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ABSTRACT

This report synthesizes two research projects initiated by the Illinois State Board of Education on the development of a definition of schooling and on the analysis of mandates implemented by the state for special education, bilingual education, and instructional programs in elementary and secondary schools. The report is presented in five sections. An overview of the studies conducted on mandates provides the staff's impressions regarding the purposes served by the studies and establishes a context for relating schooling and the mandates that were examined. A section on schooling and the mandates presents the researchers' findings and conclusions regarding a working definition of schooling for use by the Illinois State Board of Education and also derives generalizations about the nature of schooling from an aggregate analysis of the mandate studies. A section of recommendations addresses future policy courses regarding instructional programs, driver education, physical education, special education, and bilingual education mandates. This section also notes the changes from previous recommendations and provides advice on a working definition of schooling. Finally, a summary of action recommendations encapsulates the policy judgments of the entire report. (JW)

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and

DEFINITION OF SCHOOLING

**Illinois
State Board of
Education**

100 North First Street
Springfield, Illinois 62777
217/782-4321

Edward Copeland, Chairman
Illinois State Board of Education

Donald G. Gill
State Superintendent of Education

January 21, 1983

Dear Friends of Education:

During the past eighteen months, the State Board of Education has been engaged in two major study activities: the development of a definition of schooling and an analysis of state mandates regarding special education, bilingual education, driver education, physical education, and the instructional program in elementary and secondary schools.

The final staff recommendations on these projects, contained in the attached report, were presented to the Board's Planning and Policy Committee on January 12, 1983. Prior to the Committee's decision and recommendations to the full Board, there will be two public hearings and a final recommendation from the State Superintendent.

The hearings are scheduled at the following dates, times and locations:

Wednesday, February 9, 1983 -- 1:00 - 6:00 p.m.
State Board Room, 4th Floor, 100 North First, Springfield

Wednesday, February 23, 1983 -- 1:00 - 6:00 p.m.
Buckingham Room, Americana-Congress Hotel, Chicago

During the previous mandates hearings, it came to our attention that the usual hearing arrangements often proved burdensome for working parents, who found it difficult to give up a major part of the day's work in order to sign-in at the scheduled time. Therefore, in an attempt to better accommodate these parents and others with similar problems, we are reserving the period from 3:30-6:00 p.m. at each hearing for testimony from parents and other individuals. Sign-in for this part of the hearing will begin at 3:00 p.m. on each date, and testimony will be taken in the order of sign-in.

We are asking that all testimony from official representatives of organizations and local school districts be presented in the period from 1:00-3:30 p.m. For this part of the hearing, organization and school district representatives may pre-register by calling Judy Carmody at 217/782-4338 or sign-in at the hearing, beginning at 12:30 p.m. on each date. Testimony will be taken in the order of pre-registration; for those who do not pre-register, it will be taken in the order of sign-in at the hearing, following those who have pre-registered.

188 West Randolph
Chicago Illinois 60601
312/793-2220

Southern Illinois Regional Office
First Bank and Trust Building
Suite 214, 123 South 10th Street
Mt. Vernon, Illinois 62864
618/242-1676

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To ensure that there is enough time for all interested parties to be heard, we are asking that there be only one official representative from each organization or school district.

The testimony at the eight hearings on the preliminary recommendations yielded much valuable information on the methodology and research data used by staff in the analysis of the mandates. This information was useful in the preparation of the staff's final recommendations. At these final hearings, the Board is particularly interested in testimony which bears primarily on the content of these final recommendations.

Testimony will be limited to not more than five minutes. Persons presenting testimony should prepare their remarks in writing and have copies available for distribution. Since this is a hearing of the full Board, we will need 20 copies of the remarks.

The Board will also accept written testimony in lieu of a presentation at these hearings. Written commentary of any length should be sent to Mrs. Judy Carmody, Illinois State Board of Education, 100 North First, Springfield, Illinois 62777, not later than February 21, 1983.

Final recommendations from the State Superintendent will be given to the Planning and Policy Committee subsequent to the hearings. After action by the Committee, the full Board will make its decision. It is expected that this action will take place at the last Board meeting in March.

If you have any questions about these hearings, please contact the State Board office, 217/782-9560. We look forward to your reactions to these very important recommendations and to your continuing assistance in the improvement of elementary and secondary education in Illinois.

Sincerely

Edward Copeland

Edward Copeland
Chairman
Illinois State Board of Education

BJS/0299j

STATE BOARD OF EDUCATION

Hearings on Phase I Mandates Studies and Definition of Schooling

Hearing I

Wednesday, February 9, 1983 — 1:00 - 6:00 p.m.

State Board Room, 4th Floor
100 North First Street
Springfield, Illinois

1:00 - 3:30 p.m.

- Presentations by official representatives of organizations and school districts
- Official representatives may pre-register by calling 217/782-4338
- Sign-in for those not pre-registered will begin at 12:30 p.m.

3:30 - 6:00 p.m.

- Presentations by the general public
- Sign-in for order of presentation will begin at 3:00 p.m. and continue throughout the rest of the hearing

Hearing II

Wednesday, February 23, 1983 — 1:00 - 6:00 p.m.

Buckingham Room
Americana-Congress Hotel
Michigan Avenue
Chicago, Illinois

1:00 - 3:30 p.m.

- Presentations by official representatives of organizations and school districts
- Official representatives may pre-register by calling 217/782-4338
- Sign-in for those not pre-registered will begin at 12:30 p.m.

3:30 - 6:00 p.m.

- Presentations by the general public
- Sign-in for order of presentation will begin at 3:00 p.m. and continue throughout the rest of the hearing

Written testimony presented in lieu of attendance at hearings should be sent to the following address not later than February 21, 1983:

Mrs. Judy Carmody
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777

PHASE I MANDATES STUDIES

and

DEFINITION OF SCHOOLING

FINAL STAFF RECOMMENDATIONS

Presented to the Illinois State Board of Education

Planning and Policy Committee

January 12, 1983

Springfield, Illinois

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FOREWORD

During the past eighteen months, the Illinois State Board of Education has been engaged in two major study activities: the development of a definition of schooling and an analysis of mandates adopted by the state regarding special education, bilingual education, and the instructional program (including driver education and physical education) in elementary and secondary schools.

The decision of the Board to develop a working definition of schooling was made in the spring of 1981. At that time, the State Board determined that its responsibilities for establishing policy regarding elementary and secondary education in Illinois required not only consideration of current issues but also long-range planning -- the initiation of activities which would enable the Board to anticipate and respond to the issues of the future. The development of a working definition of schooling, which could be used as a template for the Board's consideration of various policy issues, was identified as an appropriate first step in this long-range planning effort.

To this end, the Board held a series of seminars featuring presentations by distinguished educators: Roald Campbell, Diane Ravitch, Michael Bakalis, Michael Annison, John Goodlad, Theodore Sizer, and Adrienne Bailey. In addition, the Board was provided with State Superintendent Donald Gill's personal perspective on schooling. (Transcripts of these presentations are available through the State Board office.) These activities concluded on December 8, 1982 with a summary discussion among Board members.

The State Board study of mandates also had its genesis in the spring of 1981. At that time, the federal government's emphasis on deregulation and Governor Thompson's questioning of educational mandates in Illinois resulted in concern on the part of the Board that action to change the mandates might occur precipitously and without proper regard for the educational welfare of Illinois students. The Board therefore adopted a three-phase study plan, not to demandate, but rather to conduct a fundamental reappraisal of the adequacy and appropriateness of all mandates placed by the state on elementary and secondary education. This study plan focused on the following questions:

1. What desirable condition or outcome is called for by the mandate?

2. Is there evidence that in the absence of the mandate, the condition or outcome will not be achieved?

3. As presently defined, does (can) the mandate yield the desired result?

4. Could the mandate be defined and/or implemented differently and yield the desired result?

5. Does the mandate reflect a compelling state interest?

Phase I of the mandate study project called for analysis of the mandates in five areas: special education, bilingual education, driver education, physical education, and the instructional program in elementary and secondary schools. (Phase II studies are transportation, school day/school year, compulsory attendance, immunization/health examination and student records; Phase III studies will include the recognition and supervision process, personnel qualifications, and other topics to be determined.) Staff reports and preliminary recommendations on each of the Phase I topics were followed by extensive public commentary (a total of eight public hearings, meetings with various interest groups, and numerous written statements) and additional research. These activities concluded with a staff analysis of the testimony and, on December 8, 1982, a general review and discussion of the mandates by the State Board's Planning and Policy Committee.

Although these two projects were initially designed as separate activities, the work on each has shown that an inextricable relationship exists between and among the five mandate studies and between these studies and the development of a definition of schooling. As a consequence of that finding, this report joins the two projects and provides findings, conclusions and final staff recommendations for both.

This report is presented in five sections. The Overview of the Studies provides the staff's impressions regarding the purposes served by the studies and sets the context for the ensuing discussions. The section Schooling and the Mandates presents (1) the staff's findings and conclusions regarding a working definition of schooling for use by the Illinois State Board of Education and (2) the major generalizations derived from an aggregate analysis of the five mandate studies. The Recommendations section contains the staff's final recommendations on the Instructional Program, Driver Education, Physical Education, Special Education, and Bilingual Education mandates, notes how and why there are differences between these and the previously disseminated "Preliminary Recommendations," and provides several general recommendations, including the staff proposal for a "draft working definition of schooling". Finally, the Summary of Action Recommendations offers a concise presentation of the recommendations from the previous sections.

The next step in the process is to present these recommendations to the State Board's Planning and Policy Committee. Following committee consideration, the committee recommendations will be presented to the full Board for discussion with the State Superintendent, further public commentary and final action.

It is anticipated that the Board's action will result in legislative proposals for the 1983 legislative session, as well as some substantial restructuring of the relevant administrative regulations which govern school programs in Illinois.

OVERVIEW OF THE STUDIES

When the State Board of Education began its consideration of the appropriate definition of schooling and its comprehensive study of the state's education mandates, it set in motion systematic processes which have served several important purposes.

First, the recommendations derived from the mandates studies, singly and collectively, are consistent with the legislative requirement that

> The Board shall recommend the passage and the legislation necessary to determine the appropriate relationship between the Board and local boards of education and the various State agencies and shall recommend desirable modifications in the laws which affect schools. (The School Code, Section 1A-4C)

From this perspective, it can be seen that the studies now completed have a natural and necessary focus on delineating an appropriate role for the state in the development of legislation and regulation affecting education. Indeed, the completed studies -- and those to come -- will form a major basis for a comprehensive determination of the state's role in these areas.

A second purpose of the studies, one which is closely related to the first, has been to provide a framework for the analysis of mandates. In the absence of any preexisting criteria for considering mandates, the Board adopted the five questions identified in the Foreword to this report, requiring their application to all mandates. These questions have provided a consistent and comprehensive approach to the task of analysis.

A third and historically unprecedented purpose of the studies has been to enable the State Board to consider the aggregate effect of state mandates related to the instructional program for elementary and secondary students. Two unanticipated benefits derived from the breadth of the mandate studies and their review in the context of the development of a working definition of schooling. One was the opportunity to develop a perspective that could not have been gleaned from any one of the studies undertaken separately. As a consequence, a number of elements have been discerned which have become subjects for recommendations which go beyond the individual studies. The second was the opportunity to understand the extent to which these issues affect and are affected by other issues such as the length of the school day, teacher qualification requirements, and the impact of societal changes.

A fourth purpose served by these studies has been to enable the State Board to identify statutes and regulations which: do not achieve the purposes for which they were originally designed; inhibit schools from providing appropriate educational services; and obscure the state's priorities for public education. The studies have dramatically documented the extent to which mandates have been developed without sufficient regard for their impact upon the ability of schools and the state to achieve important educational purposes.

Finally, these mandate study activities have served to focus public discussion about the purposes of schools. At the outset of this process, the State Board of Education determined that these studies should serve the purpose of generating widespread public discussion of the issues raised by state mandates in general and the issues, conclusions and recommendations of each study. To this end, the Board's Planning and Policy Committee asked that each study be widely distributed and conducted public hearings on each of the completed studies.

In the history of the State Board of Education, no set of public hearings, and there have been many, has generated as extensive and detailed a response from the public as have the hearings on the first five mandate studies. The testimony was characterized by a heartfelt expression of concern for and commitment to the welfare of the children in public schools. The written and verbal testimony was often comprehensive and detailed, thoughtful, pertinent and extremely useful in suggesting questions for further consideration and alternatives to the preliminary recommendations under review.

Testimony received ranged from those who viewed any significant reduction in mandates as a serious threat to vitally needed and hard-won services for children, to those who viewed the elimination or reduction of mandates as providing an opportunity for better delivery of services to children. Testimony was presented on behalf of many organizations and clearly reflected the interests of their respective constituencies.

Regardless of their reactions to the recommendations, a significant majority of respondents praised the State Board's study of mandates, the information provided in the written reports and the opportunity to offer comment. Many respondents felt that the analysis of mandates was long overdue. They indicated that the description of the development of program mandates provided a clear picture of the development of the state's activity in education during the past century.

The final staff recommendations on mandates presented in this paper have been developed after a careful and thorough consideration of the testimony and other discussion of the preliminary reports. It is noteworthy that in several instances the review has resulted in modification of the preliminary staff recommendations.

In the Board's initial discussions of long-range planning, the emphasis was on activities which could seek to identify the conditions and events that would be affecting education in the future. It was soon recognized that it was necessary to discuss perceptions of the purposes of education in order to provide a more definitive basis for deciding what conditions should affect education.

The discussions revealed a variety of perceptions that were derived from historical, academic, sociological, and political considerations. As a way of refining the discussion, the idea offered in one seminar was that discussion should focus on the distinction between schooling and education.

Further, it was determined that priority should be given to defining schooling in order to provide a template for assessing priorities among the multitude of present and possible future demands on education.

Subsequently, it became apparent that an historical review of the tasks assigned to schools would be helpful in developing a definition of schooling and that such a definition would both complement and enhance the Board's study of state mandates.

A brief summary of the history and rationale which forms the basis of the staff's working definition of schooling opens the following section of this report.

6

SCHOOLING AND THE MANDATES

From the beginning of this country, the American people have had a deep belief in and commitment to schooling. One of the first actions taken by the settlers in each area of the new nation was to establish schools for their children, and during the ensuing two hundred years, schooling has been made available for all children through the establishment of a publicly-supported school system. Moreover, school attendance has been made compulsory, with the result that schooling (either public or nonpublic) is one of the few experiences common to virtually all children. Schools have become the primary institution responsible for education.

Because of the strong American commitment to education as a means for achieving virtually any personal or civic goal, the nation's schools have been assigned a variety of functions, two of which have not changed through history.

The first traditional function has been that of developing basic reading, writing and arithmetic skills. Since the Puritans in Massachusetts established their schools in 1642, this function has been fundamental.

The second basic function of the schools has been to transmit the values and knowledge associated with a democractic society. From the founding of the nation, schools have been expected to provide children and youth with the knowledge and skills which would enable them to function effectively in a democracy. This included a knowledge of the history of the country and of its form of governance.

Beginning late in the 19th century, and accelerating in the decades since 1950, schools have been asked to address a multitude of additional functions. Some of these functions had previously been a responsibility of other institutions, such as the family, church, and workplace. Others emerged from concerns in health and law enforcement; in broad terms, these added responsibilities included, among others, nutrition, immunization, health, and drug and alcohol abuse.

Other educational tasks assigned to the schools have been vocational training, driver education, consumer education, global education, career education, sex education, parent education, ethnic education, and peace education.

Among the consequences have been the following:

1. With the assignment of this panoply of tasks, the specific and unique role which schools had served became ambiguous and confused.

2. Schools assumed more responsibility with little increase in the time children and youth were in their care.

3. During the very period when these tasks were added, criticisms of the schools' effectiveness in meeting their traditional responsibilities escalated.

In sum, there has been a gradual but steady blurring of the state's view of fundamental educational purposes, accompanied by a growing diffusion of resources and increasing constraints on local flexibility in delivering services.

Given this situation, and in light of the discussions held during the past year, the staff suggests a working definition of schooling which will serve to keep these issues in the forefront of the Board's consideration as it develops policy and makes decisions. To be useful and understandable, the definition should be relatively brief -- some would say deceptively short -- and specific as to the unique or primary purpose which schools should have. The definition should also recognize the relationship of schooling to education, to schools as institutions, and to other social agencies.

The staff believes that a working definition should consist of the following:

1. Schooling is a formal process which has as its primary purpose the systematic transmission of knowledge and culture, whereby children learn in areas fundamental to their continuing development.

2. These fundamental areas of learning are the language arts, mathematics, sciences, social sciences (history, government, geography and economics), the fine arts, and physical development and health.

3. Although schools have a shared interest with other agencies and institutions in the education of children and youth, these shared responsibilities, as important as they may be, are subordinate to the primary purpose of schooling.

The Mandates

The mandates addressed in this phase of the overall mandates study are, in the words of the Executive Director of the Illinois Association of School Boards, "the essence of education." Collectively, these mandates specify the minimum instructional program of the public schools and the modifications of that program necessary to meet the special needs of children.

Based on the review of the historical development of the mandates for the instructional program and for the specific programs of driver education, physical education, special education and bilingual education, the following general conclusions are inescapable.

First, the century-old tasks of schooling -- to impart the disciplines and art of language, science, mathematics, history and the arts -- were set into Illinois law in the 19th century. Thereafter, the accomplishment of these tasks was at best taken for granted and at worst ignored in the law. Indeed, the subjects listed above have virtually disappeared from the statutes.

On the other hand, beginning late in the 19th century and with hardly a pause since then, Illinois' school system has been required to address a multitude of tasks other than those associated with its primary responsibility. As problems of the moment arose, additional mandates were adopted to address those problems, such as drug and alcohol abuse, health and hygiene, conservation of natural resources, and consumer behavior. Increasingly, Illinois' education mandates became more detailed in their requirements and split into two general types: one type intended to assure equality of access to education (special education and bilingual education) and another to assure that specific subjects were offered to or required of all students (for example, physical education, driver education and consumer education).

Moreover, as some of the mandates were adopted they took on the character of barnacles -- once attached, their hold became unbreakable. The very first instructional program law, enacted in 1845 and long superseded by other efforts, is still in place.

Throughout this incremental development of state mandates, there has been no clear delineation of priorities among the responsibilities assigned to Illinois' schools. None of the characteristics which one might reasonably consider to determine the priority of a topic -- e.g., identification in the statutes, required for all students, detailed specifications -- are evidenced with sufficient consistency to determine its relative importance to the state. For example:

(1) Some programs, such as consumer education, driver education, physical education, and health education, are required by action of the General Assembly; other aspects of the instructional program, such as language arts, mathematics and science, are required only through State Board of Education regulations.

(2) For some programs, such as health education and driver education, the amount of time which must be spent on such instruction is specified by law or regulation; for other programs, such as math and science, the amount of time to be spent on such instruction is left to the discretion of the local district.

(3) Some programs are required of all students, while others must be provided by the local district but may be taken at the discretion of the students. Consumer education, for example, is required of all Illinois high school students, while mathematics is not.

The resulting body of law and regulation is neither consistent nor equitable. For example:

(1) Specific class size limitations have been set for special education programs, and there is a teacher-pupil ratio for transitional bilingual education programs. However, there are no regulations regarding class size or teacher-pupil ratio for other students in the elementary and secondary schools, whether they are for above-average, average or below-average achievers.

(2) School districts have authority to place children in an appropriate program. However, bilingual program regulations give the parent an absolute right to withdraw their child from a bilingual program. The objection of the parent of a handicapped child to special education placement can be overruled through the due process system.

(3) Only children who are identified as handicapped must be provided with an individualized educational plan.

Mandates tend to be applied indiscriminately in that all students may be required to take a subject or all school districts required to offer a subject regardless of individual or local district circumstances which might merit a different approach. Many of the instructional program mandates specify the amount of time which must be spent on the topic -- for example, six hours of behind-the-wheel driver training, nine weeks or the equivalent of consumer education, three years of high school language arts -- yet make no provisions for students who need either more or less time in which to achieve the desired learning.

The special education and bilingual education mandates are designed to provide equal educational opportunity: they ensure access and a means by which handicapped children and children with limited-English-proficiency may achieve the primary purposes of the schools. However, neither of these mandates may be considered as fully consistent with the state's responsibility for ensuring equal educational opportunity or specific outcomes.

(1) Neither of these mandates emphasize the instructional outcomes expected as a result of the required services.

(2) Since the Illinois law mandating bilingual education applies only to circumstances in which twenty children of the same language background are in the same attendance center, the mandate does not ensure that all children with limited-English-proficiency who need special assistance do in fact receive that assistance.

(3) There are at least four sets of special education classifications in use, reducing whatever value such categories may have for providing services, administration, communication, funding and teacher certification. Moreover, each of these systems contains classifications whose definition is unclear, so that a student who receives special education services in one district may not be eligible for such services elsewhere.

(4) The concept of "related services" is not clear, producing conflict among parents, school personnel and other agencies regarding the extent of the schools' responsibilities.

(5) The concept of "least restrictive environment" has become identified with the concept of "mainstreaming", producing confusion regarding the criteria for determining appropriate placement.

Perhaps most critically, Illinois' mandates are short on statements of purpose (What is the intended outcome?) and long on statements of method (What must be included in the content, how much time must be spent, and the methodology). The state has not clearly identified what it expects students to know and be able to do as a consequence of their elementary and secondary schooling.

Effective state policy and adequate public information depend on the state's ability to accurately assess the degree to which its goals for education are being met. However, Illinois does not now have a systematic procedure for securing and reporting comprehensive information about the extent to which elementary and secondary students are benefiting from their schooling. In 1978, a bill was proposed in the Illinois General Assembly which would have mandated minimal competency testing in Illinois, as it had been mandated in more than thirty other states. A subsequent study of testing and assessment in Illinois conducted by the State Board of Education resulted in the following:

- Determination by the Board that a mandate which placed upon children the onus for proving what they had learned without similarly placing upon schools some responsibility for what they had taught, was flawed.

- Development of a Board policy supporting, in lieu of minimal competency testing, required locally-determined assessment programs which had as their basic purpose the improvement of instruction rather than the classification of children.

When a legislative proposal to require such locally-determined assessment programs did not pass, the Board implemented its position through a variety of activities designed to encourage local districts to voluntarily develop assessment programs. The one overall measure which exists, the Illinois Inventory of Educational Progress, a statewide assessment program which periodically tests a representative sample of Illinois fourth, eighth and eleventh graders, is not designed to provide either student achievement information in all subject areas or, in most instances, comparative information over time. It therefore has limited utility for either state or local policy makers.

Given these generalizations, the mandates considered in this study must be judged on the whole as unfair to school districts, unfair to many children, and inconsistent with the state's constitutional commitment to the "educational development of all persons to the limits of their capacities" and its responsibility to provide for "high quality public educational institutions and services." Despite the best intentions of the state, its mandates serve to stultify creativity at the local level in schools where it could exist to a high degree, while not assuring that appropriate state controls exist on schools where high purpose and commitment are lacking.

RECOMMENDATIONS

There is a certain irony in the realization that the American belief in and commitment to schooling may have been the major reason why the schools were given additional responsibilities which in turn, by their sheer volume, acted to diminish the schools' focus on fundamental priorities and, consequently, resulted in an erosion of public confidence. Irony notwithstanding, the fact that the resources available to support the schools are diminishing and that the knowledge base to be transmitted to students is expanding exponentially make it imperative that the basic purposes of schooling be defined in a more limited and focused manner than is presently the case.

Recent legislative developments in Illinois demonstrate that legislators and other state government leaders are sensitive to the conflicts and other problems created by pervasive mandates. For example, the current and former governors of Illinois (as well as legislative commissions) have addressed the problem of mandates. In 1981, the State Mandates Act was enacted. The two major components of this law adress the state's obligation to support a portion of the excess costs of new state mandates and to provide for a critical and regular analysis of existing and proposed mandates, respectively. In addition, the Administrative Procedures Act, adopted in 1975, addresses in part the obligation and commitment of the state to reduce unnecessary state regulation.

The State Board of Education's unprecedented review of the collective effect of state mandates in education has produced -- and will continue to produce -- opportunities to address the general problems discussed above and the specific problems presented in the five mandate studies to date. The staff believes that these opportunities can be met by Board adoption of the recommendations presented in this report.

The recommendations are presented in six parts. The first part presents the General Recommendations which have emerged from the synthesis of findings and conclusions from the long-range planning seminars and the Phase I mandates studies. This is followed by five sections which provide, for each of the topics studied, a discussion of the testimony and other staff activities in relation to the Preliminary Recommendations and a set of Final Recommendations.

General Recommendations

The State Board of Education should:

1. Adopt the following statement as a draft working definition of schooling:

> Schooling is a formal process which has as its primary purpose the systematic transmission of knowledge and culture, whereby children learn in areas fundamental to their continuing development.
>
> These fundamental areas of learning are the language arts, mathematics, sciences, social sciences (history, government, geography and economics), the fine arts, and physical development and health.
>
> Although schools have a shared interest with other agencies and institutions in the education of children and youth, these shared responsibilities, as important as they may be, are subordinate to the primary purpose of schooling.

This draft statement should be broadly disseminated for public comment prior to final action on the proposed instructional mandates (see "Instructional Program Mandates - Final Recommendations", which follows).

2. Initiate the development of information which would provide guidance to local district boards and communities regarding the characteristics of excellent schools. This information should be developed in cooperation with appropriate organizations and individuals, should be completed within a year of the Board's final action on these recommendations and should be widely disseminated in a form which would allow local communities to assess the characteristics of their own schools.

   The Board should also initiate an examination of the feasibility of developing in Illinois a test which could be used at the option of local school districts to assess the extent to which they are meeting self-identified standards of excellence.

3. Endorse the following topics as priorities for further staff study:

   Early Childhood Education - While there are numerous reasons for further investigation of the potential benefits of pre-kindergarten education for handicapped and non-English speaking children, a study should include potential benefits, as well as any disadvantages, of pre-kindergarten education for all children. The study would be conducted with the intent of discerning whether any benefits of early childhood education would be sufficient to cause the state to either support or require the provision of such services.

Student Categorization - The focus of this study would be to investigate the extent to which formal categorization of students serves as a barrier to student access to the full spectrum of local education programs. The categories would include vocational, gifted, and limited-English-proficient students as well as the several categories of handicapped students. The intent of the study would be to determine ways in which schools could recognize and alleviate any barriers that may be found to exist.

A corollary intent would be to determine the extent to which categorization results in differentiated treatment of students which can not be justified on educational grounds.

State's Role in Education - The focus of this study should be to define the state's role in establishing mandates and standards of excellence to be achieved by the schools. The study should include the development of a set of regulatory and other principles which specify a philosophy of governance and its underlying assumptions, and also criteria which can be used to review the state's actions. This study would be completed in conjunction with Phase III of the overall Board study of mandates.

Instructional Program Mandates
Final Recommendations

Introduction

In September 1982 the Planning and Policy Committee of the State Board of Education formally received a report entitled "Instructional Program Mandates: A Preliminary Report." This report addressed all of the instructional program mandates found in Chapter IV of the State Board's basic regulatory publication, The Illinois Program for Evaluation, Supervision and Recognition of Schools, State Board of Education Document #1 (SBE-1), with the exception of driver education and physical education.

Three public hearings regarding this report were conducted by the Planning and Policy Committee, on October 1, October 27, and November 19, 1982. Additionally, much testimony was submitted to the committee by mail. A preliminary summary and analysis of the public commentary was provided by the staff on November 18 and a complete summary and analysis was submitted to the committee on December 8, 1982.

In addition, staff and committee members met with representatives of the State Board's Student Advisory Council, several educational organizations, local school districts and community groups.

This report presents final recommendations on the Instructional Program mandates. These final recommendations are based on a review of the conclusions and alternative courses of action available to the Board, which were presented in the original report as Recommendation A and Recommendation B, in the light of one question: Did the public testimony and other information regarding the report made available since September 1982 warrant substantive changes in the conclusions and recommendations?

Summary Analysis

A. Conclusions The summarized conclusions of the Instructional Program mandates report were provided on pages 68-69 of that report:

> This study has demonstrated to us that an assessment of instructional mandates was long overdue in Illinois. It is apparent that the zeal of educational reformers and interest groups and the ebb and flow of social problems in our society have combined over the years to create a collection of requirements which lack consistency, are often arbitrary and do not clearly communicate their purposes. Once in law or regulation they were seldom removed and, as a consequnce, as new mandates were added and older ones expanded, it became virtually impossible to discern th relative priority the state was placing upon them.

> It is the staff's conviction that the current situation is unfair to school districts, unfair to many children, and inconsistent with the state's consititutional responsibility to provide "high quality" education. The state has, despite its best intentions, failed to communicate what it sees as its compelling interests in this area. By not doing so, it has pursued a method of mandating which surely stultifies creativity at the local level in schools where it could exist to a high degree, while not assuring that appropriate state controls exist on schools where high purpose and commitment are lacking.

Much of the testimony did support these conclusions. However, a number of subject area advocates differed with these perceptions, arguing that in the absence of the present method of mandating -- specific courses, time allocations and teacher qualifications -- the desired instruction would not be provided.

These arguments, in the staff's view, overlooked one of the major issues raised in the instructional mandate report -- namely, that merely requiring that a subject be taught does not ensure either that learning occurs or that it is consistent with the assumed (but in most cases unstated) outcomes. Given that schooling is the means by which learning is facilitated; given that accountability must be determined on the basis of this principal purpose; and given that there is no single manner in which schools can best structure the learning experiences of students, the staff believes that the conclusions presented in the preliminary report were and are valid. Therefore, changes in the general conclusions of the mandate study do not appear warranted.

B. Recommendations

The Preliminary report provided two alternative recommendations. As summarized on page 70:

> Recommendation A, which calls for relatively quick action, addresses modification of the present set of mandates. It would result in the removal of all time allotments because of their obvious inconsistency with allowing flexibility for individual student programming; the re-drafting of the science, U.S. history/social sciences, language arts, mathematics and arts requirements, incorporating outcome statements which would include those implicit in the safety education, health education and consumer education laws, among others; and the intensification of assessment efforts at the state level with a goal of assuring with reasonable certainty that the state's interests in these areas are being served.

Recommendation B, in contrast, calls for a complete restructuring of the instructional mandates statutes in a form which reflects the results of the Board's activity in defining the basic purposes of schools. This approach would result in significant changes in the nature of state statutes, the Board's role in educational leadership and local school district responsibilities in assessment. This activity would be longer-term, and in our judgment its acceptability as a concept should be tested through a legislative initiative directing the State Board to complete work on it by a date certain.

The following summary of the testimony provided regarding these alternatives was included in the December 8 State Board meeting packet:

A number of respondents did not speak to either of the preliminary staff recommendations. Among those who did, the opinions were so varied as to defy quantification. Several respondents, including one local school board, could not support either recommendation. Some could support both recommendations, but preferred one or the other. Some could support only one of the two recommendations, but the same reasons were given for either choice (e.g., both A and B were perceived as providing the most local control.) Ultimately, the expressed preferences seemed to be relatively equal or balanced between the recommendations.

The overall impressions gained by staff on the basis of these initial responses to the preliminary recommendations were:

1. The general direction of the recommendations was supported, although subject area advocates wanted their respective subjects named in the recommendations and administrators had reservations about specific aspects of the recommendations.

2. When one recommendation was preferred, it was most often based on perceptions of self-interest -- e.g., which provided the most local control, which seemed to assure that a desired mandate would be maintained.

3. There was some tendency to support both recommendations in combination, with recommendation A providing an immediate but admittedly partial solution, to be followed by the development of a complete system as proposed in recommendation B.

Several aspects of the testimony had relevance for making changes in the preliminary recommendations. One was the number of questions raised about the intent and implementation of recommended actions. In the aggregate, these questions suggested the need for greater clarity and detail in the recommendations and the final recommendations have been revised accordingly. However, there were a number of questions which are more appropriately answered within the context of this discussion.

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(1) Why shouldn't the state's mandates specify the type and amount of instruction which each student should have?

Although the reasonableness of establishing broadly-defined instructional outcomes has been widely acknowledged, an equal expectation has been that these outcome statements should be supplemented by specific requirements (e.g., all students shall take three years of mathematics) which would supposedly ensure that the desired knowledge and skills are achieved. This expectation is certainly understandable, since the requirement of specific courses has been the major method of state regulation for over a century. Moreover, the nationwide concern for establishing higher standards has resulted in a recent flurry of actions by state legislatures and state education agencies to expand such requirements.

However, it is the premise of this report and its recommendations that requirements of this type are inconsistent with the state's goal of ensuring the educational development of all persons to the limits of their capacities and of providing high quality educational institutions. In fact, such requirements tend to work against the state's goals in that the requirements:

(a) Imply that the required time is the appropriate amount of instruction in a given area;

(b) Do not acknowledge individual differences among students, implying that all students need the same amount of instruction;

(c) Tend to lock schools into an instructional pattern which reflects mandated courses, thereby reducing their opportunities for responding to local circumstance and student differences; and,

(d) Can be assessed only in relation to the presence or absence of the required instructional program and not in relation to its result.

The proposed alternative to state-required courses would (1) emphasize what the state believes children should know and be able to do as a consequence of their schooling, (2) allow school districts to establish their own objectives and programs consistent with these outcomes, and (3) hold local districts accountable for regularly assessing the extent to which the outcomes have been achieved. This approach has several advantages:

(a) It provides a clearly-defined set of expectations regarding student learning;

(b) School districts can pursue a variety of locally-developed means for achieving those objectives; and

(c) The major objective of the schooling process can be assessed.

2. What implications do these recommendations have for the planning of the instructional program?

One of the perceived advantages of the proposed outcome statements is that they would provide goals toward which the instructional experiences of students would be directed. Achievement of these goals would require that instructional experiences be organized in such a way as to ensure that all related areas are addressed and that they are presented in such a way that they enable the student to move toward appropriate outcomes. The instructional program and system of assessment would be required to address the full K-12 continuum. In practice this would mean that each district providing secondary schools would be held responsible for cooperative planning with feeder elementary schools to assure an integrated plan.

3. How are the proposed recommendations different from Minimal Competency Testing?

First, taken by itself, minimal competency testing carries no negative connotation. Good programs, whether at the classroom or school level, have always carried with them reasonable prior expectations of success. These expectations have been most often expressed in acceptable levels of performance of one type or another. Also, it must be pointed out that the State Board of Education did not take a position in opposition to minimal competency testing. It took a position in opposition to a state-level minimal competency test and also opposed any system of testing which was not part of an overall assessment system which had as its primary purpose both the measurement of student achievement and the improvement of instructional programs to affect student achievement.

With that as background, it should be said that what a school district develops as a consequence of these recommendations could, in part, be a minimal competency testing program. However, by itself, such a program would not be sufficient. It would, of necessity, have to be a part of an overall assessment program designed to make appropriate instructional adjustments to achieve desired outcomes.

4. What assistance could be provided to assist local districts in implementing these recommendations?

The State Board of Education could provide a variety of technical assistance to districts in the development of objectives and an assessment system. Among the types of such assistance which might be possible are:

a. Standards for district student assessment systems could be identified and made available to all local districts. These would be an elaboration of the previously published Standards and Criteria for Selecting Standardized Tests.

b) State Board staff could provide written documents and workshops on various approaches to the development of assessment systems which are identified as "good practice". These could include case study analysis by subject areas and grade level and additional reports at the general level such as the previously published Six Alternative Approaches to Assessment.

c) State Board staff could provide technical assistance in the areas of test development, item selection, scoring and analysis.

d) State Board staff could encourage the use of local school district personnel who have technical expertise and experience so that their knowledge may be shared among districts.

e) On-site technical assistance by State Board staff could include help in setting local standards based on local objectives.

The second aspect of the testimony which had relevance for the recommendations was that which supported certain priorities among the areas of learning. The evidence of the testimony was persuasive that the state's interests give priority to certain areas of learning. The recommendations in this paper have incorporated those priorities.

The third aspect of the testimony which had relevance to the final recommendation was the concern expressed about timing. Many of those who supported "Recommendation A" did so on the basis of the need of local districts for immediate relief from time constraints, course requirements, etc. However, during the period for public commentary it became increasingly evident that to give proper consideration to the development of outcome statements, and to do so in a way that would involve the citizens of the state, it would be improper to seek quick action, as suggested in "Recommendation A." Therefore, these final recommendations provide only one recommendation, a modified "Recommendation B".

C. Final Recommendations Regarding Illinois' Instructional Program Mandates

The State Board of Education should:

1. Direct the State Superintendent to develop and recommend to the Board clearly-stated, broadly-defined, and relatively timeless statements of what students must at least know and be able to do as a consequence of their schooling.

   a. The statements should be developed with the assistance of a representative ad hoc task force.

   b. Consistent with the proposed working definition of schooling, the statements should be developed for the following areas of learning:

      (1) Language Arts

      (2) Mathematics

      (3) Sciences

      (4) Social Sciences (history, government, geography, economics)

      (5) The Fine Arts

      (6) Physical Development and Health

2. Pursuant to action on the State Superintendent's recommended outcome statements and not later than January 1, 1985, seek legislation which would do the following:

   a. Replace existing instructional program mandates with the recommended outcome statements;

   b. Require that local school districts:

      (1) Develop specific objectives consistent with the statutory outcome statements; policies, procedures and instructional programs designed to achieve these objectives; and a comprehensive assessment system which will determine the extent to which students are achieving the desired outcomes.

      (2) Submit the objectives, instructional program description, and assessment system to the State Board of Education for approval as consistent with the statutory outcome statements and with accepted educational and assessment practices.

(3) Report periodically to the State Board of Education regarding the results of the local assessment and the ways in which the district is using these results to modify the instructional program and otherwise improve student learning.

c. Require that the State Board of Education provide assistance and technical support to local school districts as they develop the required objectives, instructional programs and assessment systems.

3. Pursuant to the adoption of this legislation and consistent with its statutory authority to establish standards for the curriculum, direct that the State Superintendent develop regulations which would identify the instructional areas to be made available to all students who need and desire to take them in order to develop educationally to the limits of their capacities.

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PHYSICAL EDUCATION MANDATE
Final Recommendations

I. Introduction

The Planning and Policy Committee of the State Board of Education formally received the staff report Physical Education Mandates: A Preliminary Report in February 1982. On March 26, 1982, a public hearing was held in Springfield regarding this report. A summary of the testimony, the media comments, and a survey of regional and school district superintendents was presented to the Board in November 1982.

Final recommendations concerning the physical education mandates are included in this report. These recommendations are based upon the testimony presented, and further study by staff in the light of one question:

> Did the public testimony regarding the Preliminary Report provide information that warrants substantive changes in the Report's conclusions and recommendations?

II. Summary Analysis

The following statements summarize the findings and conclusions reached as a result of the study. Each is followed by a commentary on the public testimony and any other information related to the statement.

1. The present monitoring and program evaluation practices do not afford an accurate description of the elementary and secondary physical education programs in Illinois, but there is substantial agreement that the mandate is not being fully implemented in many schools.

   The testimony did not question this conclusion. The degree of compliance varies within the state but practically all agreed that the mandate is not being fully implemented as outlined in the statutes and State Board of Education regulations.

2. If the mandate were fully implemented and all students in the state were involved in daily physical education programs, there would be a substantial increase in terms of financial resources needed to support physical education programs and an increase in the amount of time students would spend in physical education activities.

   The testimony did not question this conclusion. However, it should be noted that those who supported the present mandate felt that these increases were more than justified in terms of the perceived benefits.

3. There is evidence in the professional literature that physical exercise contributes to physical fitness, well-being and good health. However, staff was not able to find evidence that conclusively linked school programs to physical fitness improvement; neither did the evidence eliminate the possibility of such a link.

   A considerable amount of the testimony pointed out the relationship between physical exercise and physical fitness to good health and well-being. The testimony reinforced the staff belief that such a relationship does exist. Studies linking physical education programs to improved physical fitness were not identified.

4. The statutory language (Section 27-7 of The School Code of Illinois) lists desirable outcomes for physical education that are extremely broad in scope. The aims specified in the statute far exceed the capability, if not the desirability, of a physical education curriculum to meet them. In practice, it appears that programs focus on physical exercise, movement, and individual and group sports activities.

   Testimony was not conclusive regarding this finding. Some felt that an exemplary physical education program should, and in fact indicated that many do, focus on more than physical fitness. There is insufficient data regarding course content. However, the staff conclusion regarding the inappropriateness of the breadth of the outcomes appears valid.

5. Illinois has a very stringent mandate in comparison to other states.

   Illinois is the only state which specifically requires daily instruction for students in grades K through 12. According to a survey conducted in 1981, 35 of the 46 responding states require physical education at the elementary level, 38 at the junior high school level, and 40 at the secondary level. The time devoted to physical education in the various states varied greatly.

   This is the most current information which is available and is an update from what is quoted in the Preliminary Report.

6. The physical education time requirements for students are significantly disproportionate to the total amount of instructional time available, particularly in upper secondary grades.

   Some of the testimony in support of the current mandate acknowledged that the mandate would require a student to spend up to 20% of the available instructional time in physical education but did not feel that this was a disproportionate share of that time.

7. There is no recognition nor is there latitude for recognition of the diversity among districts or among students in a district for physical education program needs.

   The testimony and further study did not question this statement.

Much of the testimony focused on the desirability of physical education and that was an issue that the report did not address. Instead, the report focused on the question of whether there was a state interest of such a compelling nature that districts should be required to provide, and all students required to take, a course in physical education with state prescribed course outcomes, frequency of instruction, and time allocations. The report concluded that there was sufficient state interest in a physically fit and healthy citizenry to focus on the physical fitness of students but that local districts should have flexibility to determine how that goal is reached within broad state guidelines. Testimony did not support a challenge to this conclusion.

Most of the testimony raised issues or provided information that staff had considered in the development of the Preliminary Report. The testimony seemed to underscore the statement on page 3 of the Report:

> One characteristic of materials relating to the value of physical education in school curricula is that the weight of evidence is far more subjective than objective. Both data and testimony tend to stem more from perceived values than from quantifiable relationships between programs and results.

Objective data simply does not exist or at least cannot be located. A witness's recommendations that a study be conducted on the effectiveness of physical education has considerable merit but the scope of such a study is beyond the capability of a state agency.

III. Recommendations

Since the physical education report was issued, the preliminary report on the instructional program mandates has been issued. In light of the recommendations contained in that report, the physical education recommendations have been revised. Physical education is an instructional program; although it occupies a unique position in the instructional program, because of its concern with psychomotor development, it should be considered separately only if there is a specific reason to do so. This was the premise from which staff worked in revising the recommendations.

In essence, the final recommendations have two purposes at hand. The first is to provide immediate relief to local districts and students in terms of the disproportionate resources and time required to meet the terms of the current mandates.

The second is to assure that physical education, as an integral component of a comprehensive instructional program, be included in the final recommendations of the instructional program mandates study. The final recommendations, therefore, withdraw* several of the preliminary recommendations, and instead provide that physical education be treated as other major instruction areas in terms of prescribed outcomes and reasonable processes for determining individual achievement and knowledge through locally determined program offerings.

The following are the final recommendations regarding physical education.

1. The State Board of Education should support legislation to immediately revise the present physical education mandate to reflect the following:

   - that physical education be required for all students in grades K-10;

   - that districts be required to offer elective physical education programs at grades 11-12;

   - that the allocation of course time and frequency of the course be determined locally but in keeping with the current statutory language "...compatible with the optimum growth and development needs of individuals at the various age levels" (Code 27-6).

2. That the State's interest in students attaining and maintaining physical fitness be addressed through the recommendations made in the Instructional Program mandates study.

*Preliminary recommendations withdrawn are those that addressed discontinuing waivers; allowing replacement of physical education with related activities outside the school curriculum; and identifying an ad hoc committee to identify physical fitness needs, assessment procedures and curricular activities. These major considerations will be addressed through revised final Recommendation 2.

DRIVER EDUCATION MANDATES
Final Recommendations

I. Introduction

In February 1982 the Planning and Policy Committee of the State Board of Education formally received a document titled "Driver Education Mandates: A Preliminary Report." In March 1982 the Planning and Policy Committee conducted a public hearing on this report. A summary of the extensive and well prepared testimony presented at the hearing was released in November 1982. Further, the Preliminary Report and the testimony at the public hearing were the subject of articles and editorials in media throughout Illinois.

This paper presents final recommendations on the Driver Education Mandates. The final recommendations are based upon a review of the conclusions and rationale contained in the Preliminary Report in the light of one question: Did the public testimony and other information on the Preliminary Report made available since March 1982 include information that warrants substantive changes in its conclusions and recommendations?

II. Summary Analysis

Below are seven underscored statements which summarize the conclusions and rationale presented in the Preliminary Report. Each is followed by a commentary on the public testimony and other information bearing on the Preliminary Report with particular reference to the question cited above.

1. Research on the safety effects of driver education has failed to produce conclusive positive results. This conclusion is supported by state, national, and international research going back to 1957.

Testimony received on this issue included a list of references and a bibliography containing a wide variety of titles covering aspects of driver education (e.g., opinion surveys and curriculum evaluation studies) and broader instructional subjects (e.g., works of Bloom and Popham on instructional objectives). Staff reviewed the research materials pertinent to this particular topic and determined that they contained no evidence to warrant changing the conclusion given above.

Many of the studies and articles cited in the testimony had been studied by staff prior to releasing the Preliminary Report and in several instances were also discussed in that report.

A pertinent example, and one about which more recent information has become available, is the DeKalb County, Georgia Safe Performance Curriculum* study, sponsored by the National Highway Traffic Safety Administration. In August 1982 preliminary results of the study were made public. On August 19, 1982 The Pantagraph of Bloomington, Illinois published an article on the study from which the following information is taken.

> Driver education courses do not reduce the number of traffic accidents involving young motorists, according to preliminary results of a study presented to a group of highway safety educators.
>
> 'Drivers education did not impact on the accident rate of young drivers,' said Jack Weaver, president and project director of the study conducted by Safe Performance Associates of Atlanta.
>
> The $5.95 million study conducted in DeKalb County, Ga., - where teenagers can obtain drivers licenses after they turn 16 without any driver education requirements - was funded by the National Highway Traffic Safety Administration, the state of Georgia and the county.
>
> It tracked 18,000 high school students, with more than 13,000 receiving driver licenses.
>
> One group of students took an extensive 'Safe Performance Curriculum' course, Weaver said. The second group took an abbreviated course, the Pre-Driver Licensing Course, which taught only basic driver tasks. The control group had no drivers education.
>
> The frequency of accidents among students who had the extensive course was .38, meaning that the number of accidents equaled slightly more than a third the number of students in that group.
>
> That was almost exactly the same frequency as those in the control group who had no driver education training. Those in the abbreviated course group had an accident frequency of .37.
>
> 'Neither the SPC or PDL, drivers ed program reduced the accident frequency rate of young drivers,' Weaver told the association members.

These results are consistent with the conclusion cited in the Preliminary Report, and above.

2. <u>There is no evidence that not having the program will significantly affect the level of traffic safety in Illinois</u>.

*The Safe Performance Curriculum calls for 35 hours of classroom instruction, and 17 hours of simulation, and 17 hours of off-street driving and 3 hours of on-street driving. In short, the total program time is doubled (from 36 hours to 72 hours) and the ratio of classroom to practice time is also drastically changed from 5:1 to .95:1. A final report (including data on costs) is not expected until the spring of 1983.

Testimony on this point included assertions to the contrary. An example is the assertion that because of its driver education program Illinois has a better safety record than other states. Another example is the assertion that a recent year-to-year increase in Connecticut's automobile accident fatality rate is the result of that state's elimination of its state driver education mandate. Staff has reviewed the evidence offered in support of these assertions and has determined that it does not provide a sufficient basis for asserting that not having the program will significantly affect the level of traffic safety in Illinois.

3. It is not possible to say with confidence how the present program could be improved in order to have a significant positive effect on traffic safety.

Testimony on this point included specific recommendations to increase the standards for personnel, increase state regulatory activities, increase parent involvement, and expand the use of a particular curriculum. The testimony is consistent with the driver education literature in that it has included similar as well as other recommendations. However, it is not evident that such changes would improve the program with respect to traffic safety. Indeed, as reported above, (the DeKalb County Project), a massive curriculum revision-including doubling the total instructional time from the typical 36 hours to 72 hours - has so far produced no significant safety effect between students in that program and students who received no formal training.

4. The present personnel certification restrictions should be made more flexible in the public and private sectors.

This recommendation appears to have been, on the basis of the testimony, frequently misconstrued. The Preliminary Report (recommendation number 3, page 19) said: "Amend the statutory provision concerning personnel certification requirements to provide alternative (emphasis added) professional training programs for registration of those who wish to provide driver education instruction in a public or private setting."

This recommendation is derived from the "...existing and unchallenged alternative standards in other states" (Preliminary Report, page 15). No evidence has been presented to demonstrate that implementing alternative professional training programs will reduce the quality of service provided by driver education program personnel.

5. The program (classroom and behind-the-wheel) should be demandated and taking the program should not be a condition of early licensing.

Reactions in opposition to these points included other reasons for retaining the mandate, e.g., common sense, and that all should be educated to do safely what many will be doing anyway. This major recommendation was made in the preliminary report based upon the study activities and the lack of evidence relating driver education to highway safety. While substantial testimony was offered in opposition to the recommendation, no conclusive evidence linking the program results to the state's compelling interest in highway safety was presented. Staff concludes that the reasons offered do not warrant retention of the state's driver education mandate.

6. Districts who voluntarily offer the program should receive appropriate state aid.

7. The Governor should be asked to form an interagency commission to investigate effective traffic safety measures and to recommend allocation of state funds by a date certain.

Very little public comment was received on these points. Regarding the first, there is very widespread support for a continuing state role to support program costs - whether or not the program is mandated. It should be noted, however, that the possibility of fully supporting the program through user fees - with appropriate safeguards for the economically disadvantaged-has been considered by staff and merits continued review.

Testimony on the interagency commission included specific recommendations as to the organizations which should be represented. This is a matter which need not be resolved at this time and thus the recommendation should be taken under advisement.

III. Conclusions and Recommendations

Did the public testimony and other data related to the Preliminary Report made available since March 1982 include information that warrants substantive changes in its conclusions and recommendations?

The Preliminary Report has been the subject of extensive, varied and frequently thoughtful public comment both in support of and in opposition to its conclusions and recommendations. Based on a careful review of the testimony, staff concludes that the first five Preliminary Recommendations should remain as originally stated.

However, the Planning and Policy Committee's discussion of the public testimony and the staff report included a point which does warrant revision of the last preliminary recommendation concerning funding.

The point raised was the need to increase the focus of state attention and resources on reducing insofar as possible the incidence of death and injury on Illinois roads. As noted in the report "There is unquestionably a compelling state interest in promoting traffic safety." Identification of "traffic safety measures proven to reduce traffic accidents" and recommending "allocations of State funds among such programs" are vitally important means to increasing traffic safety in Illinois.

For these reasons the last two preliminary recommendations have been merged and the final sentence of the merged recommendation has been altered to make clear that State funding for voluntary local Driver Education programs shall be made during the interim required to receive and act upon the recommendations of the interagency commission. Thus, the interagency commission will be certain that the State Board of Education intends that the disposition of the Driver Education Fund resources be included in its deliberation and recommended allocation of State funds to improve traffic safety.

The final recommendations on the Driver Education Mandate are as follows.

It is recommended that the State Board of Education support legislation to:

1. Repeal the State requirement for classroom and Behind-the-Wheel training in the public secondary school curriculum.

2. Amend the early licensing provisions of the statutes to provide that such licensing shall be available to those who are at least 16 years old and who have demonstrated such knowledge and skills as the Secretary of State may deem necessary.

3. Amend the statutory provision concerning personnel certification requirements to provide alternative professional training programs for registration of individuals who wish to provide driver education instruction in a public or private setting.

4. Amend the statutes to authorize eligible school districts to provide a comprehensive driver education program directly or indirectly through contract, which contract may include provision of public facilities; and to offer the program in these circumstances during any period of the year and to all beginning drivers.

5. Amend the statutes to provide that the Secretary of State shall have the sole responsibility of licensing and supervision as it relates to all commercial driver training schools.

Finally, it is recommended that:

The State Board of Education request that the Governor establish an interagency commission charged to investigate the relative costs and effects of traffic safety measures proven to reduce traffic accidents; to recommend allocations of State funds among such programs and to report by a date certain. Any local district that chooses to continue offering Driver Education shall in the interim continue to receive appropriate State funding.

BILINGUAL EDUCATION MANDATE
FINAL RECOMMENDATIONS

I. Introduction

The Planning and Policy Committee of the State Board of Education formally received the "Bilingual Education Mandate: A Preliminary Report" in May, 1982. Public hearings were conducted on this report during September and October, 1982. An analysis of this testimony was released during November 1982.

This paper contains the final recommendations on the Bilingual Education mandate. These final recommendations resulted when the conclusions and findings of the preliminary report were examined in light of the question: Did the public testimony, other information and new research made available since May 1982, provide information which could support substantive changes in the preliminary conclusions and recommendations?

II. Summary Analysis

The following summarizes the conclusions of the preliminary report. Each statement is followed by a brief discussion of the public testimony and other relevant information provided as a result of the public hearings.

1. The State has a compelling interest in mandating that transitional services be made available to all students with limited abilities in the English language.

Testimony received on this conclusion did not contain references to specific information or research sources which could be analyzed by staff. Although some of the testimony contained opposing viewpoints, a careful review of the testimony related to this subject did not provide evidence to support changing the conclusion.

2. The teaching of the history and culture of the native land of students' parents should not be a requirement of the law.

Testimony on this subject contained references to articles and research reports covering various aspects of culture, self-concept and motivation (e.g., Seidner and Seidner, 1982 - Gonzalez, 1982 - Hepner, 1970 - Tilley, 1982 - Troike, 1978). Testimony acknowledged that the intent and concern of this part of the law focuses on self-concept and that it is important for all students to know and appreciate their heritage. Where possible to obtain, staff reviewed the articles and research reports pertaining to the teaching of history and culture of the native land of students' parents. According to some research, poor self-concept affects all aspects of learning. The law in question is primarily concerned with language acquisition. Therefore, it is at least inconsistent for the State in one law which is relatively narrow to require the teaching of history and culture as a method of improving self-concept.

The inconsistency, taken with the inconclusiveness of research findings on culture retention related to language transition, provides no basis for changing the preliminary recommendation. It is important to note that the preliminary recommendation did not say that history and culture should not be taught.

3. The State has no compelling interest in requiring a particular instructional methodology in the context of a transitional language program.

Testimony received on this issue was varied. Those in agreement with the recommendation pointed to the fact that there are no conclusive data which would warrant the requirement for the present mandated program approach. However, those opposed included references in their testimony to additional research information (Vorik and Rosier, 1978 - Schmidt, 1982 - Waggner, 1981). Staff carefully analyzed these reports, as well as others such as the recent Baker and deKanter, 1982 draft. In summary, it is accurate to state that there are no conclusive studies which show any one methodology of language transition to be more effective than all others under any given circumstances.

The difficulty with the present mandate is that it is overly prescriptive, and by virtue of its detail it effectively precludes the use of any other language transition program if state reimbursement is to be provided. In effect, it thereby serves as a legislative statement that the State's interest can be met through only one means of providing language transition to students with limited proficiency in the English language. Alternative approaches are in fact discriminated against as far as state fiscal support or legitimate recognition is concerned.

The State recognizes that a broad spectrum of eligible students exist with varying degrees of language abilities. The State's interest lies in all children being provided with special assistance programs in meeting their language needs and as such each should be provided with some form of state support. This particular finding relates directly to the recommendation that indicates locally determined alternative instructional approaches should be allowed.

However, both the state and the local schools have a second responsibility to those students in need of language transition programs. That is, to assure that they have continuing opportunities to benefit from academic content area instruction at the same time that transition to the English language is being taught. Students whose dominant language is not English may need to receive academic content area instruction in their dominant language for some period of time in order to assure that they progress effectively at their individual potential. This responsibility is one that must be met, and can be met through appropriate diagnostic and instructional methods determined locally in accordance with reasonable state criteria and, as needed, technical assistance.

The final recommendations have been modified to stipulate this dual responsibility--one of providing for effective and efficient transition to the English language, and one of assuring that there is no unwarranted interruption of the student's opportunity to continue learning in the content areas.

4. There is a need on the state level to determine through further study:

   a) How many eligible students are there in attendance centers with less than 20 students of a common language background?

   b) Where are they located?

   c) Are they receiving other types of services to assist them in learning English?

   d) Is there a possible value of extending language training to the eligible early childhood population?

   e) What are the ramifications of the present legal authority (14C-4) for parents to withdraw their children from bilingual programs?

Testimony received regarding the above topics indicated a willingness on the part of higher education personnel to assist in the research efforts. Particular emphasis was placed on early childhood as being the time to teach language. It is also recognized that if the recommendations are implemented there will be no need for 4a, b, and c.

III. Final Recommendations

The recommendations contained in the preliminary report have been clarified and several changes have occurred. These final recommendations are intended to address the compelling State interest in transitional language education and the necessity to define that interest in terms of effective programs most beneficial to the individual student.

The current mandate should be revised to reflect the following:

1. All students with limited abilities in the English language shall be provided appropriate educational experiences/services directed to providing for an effective and efficient transition to proficient use of the English language.

2. Locally determined, educational service delivery approaches shall be allowed which are consistent with the goal of achieving early and effective transition to the regular school curriculum. Based on individual student language assessments the local district shall provide content area instruction in the native language to the extent needed to insure that each student can benefit from the instruction and progress effectively through the school system.

3. Eliminate the requirement that history and culture be taught, but include the desirability of such content in a language transition program.

4. Exclude any reference to specific methodology of instruction.

5. Provide for local flexibility in assuring participation of parents and community organizations.

   Based upon implementation of the above recommendations, the State Board of Education should direct the State Superintendent to submit a time specific plan to revise the current rules and regulations governing bilingual education.

6. The State Board of Education should instruct the Superintendent to direct staff to conduct further studies on:

   a) The possible value of extending language training to the eligible early childhood population.

   b) The ramifications of the current system which permits parents to unilaterally withdraw their children from bilingual programs.

   c) The various approaches used in delivery of services to children with limited abilities in the English language.

SPECIAL EDUCATION MANDATES
Final Recommendations

I. Introduction

On November 21, 1981, the Planning and Policy Committee, State Board of Education, formally received a staff report, "Special Education Mandates: A Preliminary Report." The Committee conducted two public hearings on the report: January 27, 1982 in Springfield, and February 10, 1981 in Chicago. Considerable public comment was received from the public hearings; letters to Board members, the State Superintendent, and staff; and meetings with representatives of various groups and agencies. An analysis of public comment was presented to the Committee on November 18, 1982, in Chicago. Additional research was conducted where warranted by public comment and reference is made to those staff reports.

This paper presents seven final staff recommendations on the special education mandates. Where the final recommendations differ from those presented in the preliminary report, the differences are underscored and explained. The final staff recommendations are based on information received during the preliminary study, public comment, and additional staff research.

II. Recommendations

A. The State Board of Education should adopt the following four principles to guide and direct its regulatory activity in relation to the education of handicapped children:

-- State regulatory activity should recognize, first, that the interest of the child is of paramount importance, second, the desire of local boards, parents, and professionals to make just and sound decisions about education for children, third, that the State has a legitimate interest in protecting children from either intentional or unintentional abridgment of that decisionmaking process.

-- Regulations should address the quality and character of the process by which decisions are made rather than prescribing the character of the decisions.

-- These process regulations should be limited to certain fundamental concepts such as nondiscriminatory actions, participants, student potential, and a remedy for disputes.

-- Whenever possible, the entity responsible for making decisions should be directed to develop its own procedures incorporating the State's fundamental concerns, as stated above. Once the State has approved the respective procedures, the State should accept the decisions resulting from that process, and should review them only when irresolvable disputes arise at the local level.

Explanation: This recommendation specifies the philosophy underlying the State's regulatory action as applied to handicapped children. The additions to this recommendation emphasize the child's interest as having paramount importance over other possibly competing interests. Further, the fundamental concepts of "nondiscriminatory actions" and "student potential" were added to emphasize that assuring equal educational opportunity and developing individuals to the fullest of their capacities are in the best interests of children as well as the state. Last, procedures which are "best practices" in nature should be described in nonregulatory documents.

B. The State Board of Education should reaffirm its commitment to the general goals of special education and to the provision of a free appropriate education for all handicapped children in Illinois. However, its policy statement on special education, adopted February 1978, should be modified. The following components should be included in a new policy statement on special education.

-- A right-to-education policy for all children, ages 3-21;

-- Instruction provided at no cost to parents when children are placed by the local or state education agency, except where usual or normal fees are applicable to all school children;

-- Guarantee of procedural safeguard, due process, and nondiscriminatory assessment;

-- Individual education plans, with learner outcomes specified in terms of the student's potential, for each handicapped student;

-- A comprehensive, efficient, and flexible personnel system;

-- An intensive and continuing search for handicapped children in Illinois;

-- Treatment of handicapped children to be the same as that accorded to non-handicapped children to the extent possible and reasonable;

-- State education agency supervision of all education programs for handicapped children within Illinois; and,

-- Rights and guarantees applied to children in private or other state-funded schools, as well as public schools.

Explanation: The need to clarify the definition of "free education" was reemphasized during the public hearings. The addition of "usual or normal fees, etc." is to aid in that clarification. The addition of "learner outcomes specified" in the Individual Educational Plan makes the same process available for handicapped students as the non-handicapped. The preliminary report on special education mandates emphasized access to educational programs and services. The preliminary report on the instructional program mandates emphasized the need to state what the learner should know and be able to do as a result of schooling. The inclusion of specifying learner outcomes for handicapped students makes that process applicable to all school children.

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The preliminary report also recommended that the feasibility of lowering the required age range served from 3 to 1, or to the point of first identification, be examined. This examination was made by staff and resulted in the reinclusion of 3-21 as the ages to be served. For more information, see D.1 on "Ages Served."

The purpose of adding the component on "equal treatment" was in response to a predominant thought received during public testimony that the class of handicapped children should be treated like any other class of school children, wherever possible and reasonable. While it is recognized that there are as many individual differences between children identified as having a particular handicap as there are individual children, it is also recognized that equitable treatment and expectations are directly associated with nondiscriminatory actions.

C. The State Board of Education should advise the U.S. Congress and the Illinois General Assembly as to its study of special education mandates and subsequent revision of its rules and regulations in accordance with its study and statement of regulatory principles, and should advise those bodies as to the impact that any proposed changes in statute or rules and regulations would have on local districts or the state education agency.

Further, the State Board of Education should direct its staff to take initiative and exercise leadership to change federal statute and rules and regulations in accordance with the State Board of Education's policy and regulatory principles concerning handicapped children. Where significant discrepancies exist in federal mandates and state policy, staff will provide to the State Board of Education documentation of attempts to influence changes in federal mandates.

Explanation: The preliminary recommendation called for a moratorium through 1984 on establishing any state or federal laws dictating additional responsibilities for special education on the local or state education agencies in order to allow time for revisions in accordance with this report. The above changes made in the preliminary recommendation acknowledge that, in the time since the preliminary report was released, there has already been a significant response from the Illinois General Assembly. Also, proposed rule changes at the federal level have been withdrawn until a later date. Therefore, the focus of this recommendation is to direct staff to seek changes in federal statute and rules and regulations that will reflect the State Board of Education's policy and regulatory principles regarding the education of handicapped children.

D. The State Board of Education should direct the State Superintendent to submit a time-specific plan to revise the current statute and rules and regulations governing special education as identified below. The revisions should allow opportunities for district innovation and experimentation.

1. AGES SERVED. The State's compelling interest in education requires establishment of mandatory school attendance between specified ages in order to provide an appropriate education. Since efficiency is also a principle which reflects a State interest, providing education beyond the normal range may be viewed as yielding greater efficiency over time.

However, until such time that the benefits of lowering the required age range from 3 to 1 year, or to the point of first identification, are unequivocally established, the ages served should remain as 3-21. Both the lower and upper age ranges by specific handicapping condition should be subjected to efficacy studies.

Explanation: The preliminary report recommended that the feasibility of lowering the ages served be examined. As a result, staff conducted an extensive review of the effectiveness of early intervention programs for handicapped children.

In sum, the research is too inconclusive at this time to support a mandate to lower the ages served across handicapping conditions. For additional comment, see staff report "Expanding Services to Birth." It is recognized that lowering the ages served below three would entail significant cooperation with other social agencies as well as alternative systems for delivery of services. These cooperative efforts and alternative systems should be described and studied as to their efficacy.

2. CATEGORIES. There appear to be many problems with classification of children as a means for determining who should be served in special education. Some categories are not sufficiently precise. There is disproportionate representation of students among the categories, which suggests that the assignment of a student is related to social and cultural factors rather than educational factors.

Further, there are at least four sets of special education categories used by the State Board of Education (federal rules, Funding and Child Tracking System, Certification system, State rules and regulations.) The compelling state interest served by a categorization system is that of efficiency in administration, particularly in communication, recordkeeping, funding, and teacher certification.

However important administratively, the use of categories should not take precedence over meeting the individual needs of students. Also, the systems of categories should at least coincide. Further, the specific eligibility criteria for Educable Mentally Handicapped, Learning Disabled, Behavioral Disordered, Speech and Language Impaired, and Educational Handicapped should be reexamined and made more precise, with consideration given to eliminating the Educationally Handicapped category.

Explanation: The preliminary report recommended that regulations specifying categories be eliminated. While research showing the academic and psychological effects of labeling and categorizing children was inconclusive, convincing public testimony as to the potential negative implication of removing categories at this time prompted the change in this recommendation. Case studies of Vermont and Massachusetts, where categories were dropped, demonstrated many of the subsequent administrative problems. For additional comment, see staff paper on "Categories."

3. SUSPENSION AND EXPULSION. Mandates on these concepts were found to be appropriate. The mandate should be retained as written.

Explanation: The law states that a student cannot be suspended or expelled for misconduct which is related to a handicap. There are certainly numerous handicapped students who are perfectly capable of complying with school rules and are, therefore, subject to possible disciplinary action. There are too many factors involved to permit a predetermination of exception as a mandate. The possible sanctions of suspension and expulsion warrant a case by case analysis and determination.

4. CONTINUUM OF PROGRAM OPTIONS. The compelling state interest in a continuum of program options is in guaranteeing equal access to special education services for all handicapped children. Therefore, this mandate should remain.

Explanation: The preliminary report recommended that this mandate should be eliminated since other mechanisms can be used to guarantee an appropriate educational placement for individual children. On reviewing the testimony, however, the removal of the continuum could result in program inequities at the local district levels. Therefore, to guarantee equal access, the recommendation was revised.

5. LEAST RESTRICTIVE ENVIRONMENT. Conflicting evidence exists about the value of this concept. The conflict seems to be related to lack of clarity about the purpose for this mandate. Therefore, it is recommended that this mandate be clarified as to the predominant criterion to be used in determining the appropriate educational environment -- that of academic achievement.

Explanation: The preliminary report recommended that this mandate be removed, primarily because it seems to be a redundant mandate, although the report did not say that specifically, and because the effects of such placements on the educational achievement of some students were sometimes negative. The intensity of public testimony concerning that recommendation warranted additional research. In sum, the research showed that there were inconclusive results regarding the effectiveness of least restrictive environment. (See staff report, "Least Restrictive Environment," for additional comment.) However, it is understood that placement of special education children in the least restrictive environment emerged from a recognition that special education children had the same rights as nonhandicapped children. The arguments for least restrictive environment were a result of social, moral, and civil forces which disavowed the segregation of handicapped children.

The primary focus of placing a student, however, has to be in terms of the placement which will enhance the academic achievement of the individual child. Given the individual differences and needs of students, it is recognized that placements may differ for similarly "classified" students and that the appropriate placement is the one determined to have the most potential for increasing academic achievement. All other considerations should be secondary. Therefore, since it is not the intent of the mandate to segregate students but to provide an appropriate learning environment, the mandate should be clarified to better reflect its emphasis on academic development of the child.

6. RELATED SERVICES. This concept represents a major extension of services traditionally provided by the public schools, and school officials report being burdened by costs related to services which are not instructional. The State lacks criteria for determining whether the myriad services are directly related to instruction. Extensive clarification is needed to determine what services should be provided by the public schools. The development of these criteria should receive the highest priority in the plan for revising the current rules and regulations.

Explanation: The changes made in the above are to emphasize the need to take specific action as soon as possible.

7. SUMMER SCHOOL. Summer school for handicapped students is not a mandate, but an IEP requiring an extended school year has the effect of a mandate. There is little evidence to support or reject the need for summer school. Case law does require the provision of summer school services for the profoundly and severely handicapped pupil if the IEP so indicates. Summer school should be limited to those handicapped students for whom a need can be documented by evidence of regression, limited recoupment ability, or future attainment of self-sufficiency. Specific instruction-oriented learner outcomes to be achieved during summer school should be included on the IEP.

Explanation: It is currently interpreted that if the IEP directs the provision of summer school services, then an extended school year is to be provided at no cost to the parents. No specific eligibility criteria are stated in rules. The change in this recommendation would specify such criteria. An extensive review of research on the effects of summer school for handicapped children was conducted by staff. The findings indicate a lack of substantive evidence to support the benefits resulting from summer school. See staff report on "Summer School" for additional comment. Problems included the lack of independent evaluation, inconsistency in program design--particularly as to the instructional focus of the program, and lack of coordination with the regular school year. The inclusion on the IEP of specific instruction oriented learner outcomes to be achieved in summer school is in response to some of these problems.

8. FREE EDUCATION. While this concept represents a clearly compelling state interest, there is much confusion about what constitutes "free education." Clarification of this issue should include the following regulatory and statutory changes:

-- Narrow the current scope of related services to include only those which are directly related to instruction of handicapped pupils.

-- Define medical services in relation to school age handicapped students (i.e., what is evaluation versus what is ongoing service);

-- Delineate what fees parents may/must pay (e.g., laboratory fees, book fees, copies of records);

-- Delineate the conditions for providing services for pupils attending nonpublic schools, so that public school districts pay only for special education and related services directly related to instruction.

-- When residential services are involved, require parents/Public Aid/Mental Health to pay for room and board, as appropriate;

-- Require third party payors to pay (e.g., insurance companies);

-- Define responsibility for residency and enrollment so that the Illinois State Board of Education is financially responsible only for Illinois students.

Explanation: The above recommendations clarify the regulatory and statutory changes which should be made to clarify the meaning of "free education."

9. DISTRICTS. The local school district must remain responsible for service to all its eligible special education students. A compelling State interest is reflected in this concept and a State statute is necessary to fix such responsibility. This mandate should remain as stated.

Explanation: No changes were warranted.

10. JOINT AGREEMENTS. Although joint agreements serve a valuable function in the efficient delivery of special education services, there is potential for greater effectiveness and efficiency. The following changes should be made:

-- Joint agreements shall periodically and regularly undertake an organizational self study, which includes at a minimum a review of their administrative agents, other available service delivery systems, boundaries, and other organizational and administrative issues which have implications for effectiveness and efficiency; make public the results of that study:and implement the results.

-- Joint agreements shall develop a comprehensive plan for low incidence pupils (e.g., deaf/blind, severely handicapped) in areas larger than a single joint agreement, in order to prevent duplication of services (e.g. services for autistic students to be delivered across two joint agreements) with consideration given to providing residential services and developing regional programs.

-- Joint agreements shall contract for unique or high cost support or related services (e.g., psychiatric consultations or mobility specialist) across two or more joint agreements.

Explanation: These recommendations essentially place the responsibility for change at the organizational level, through a self-study, with topics to be addressed, rather than considered. Further, the possibility of regional programs and residential programs are included in these changes, as recommended by current State Board of Education policy on Education Service Regions and public testimony, respectively.

11. ADVISORY BOARDS AND COUNCILS. Public comment and advice from parties affected by the State's actions is certainly consistent with good democratic practice. The history of special education services in Illinois indicates that it is in the best interests of the State to have an independent source of advice. The primary advisory board is the State Advisory Board on the Education of the Handicapped.

The State Advisory Council on the Education of Handicapped Children performs a special and necessary function which is to advise the State of service needs and effectiveness. Accordingly, the Council should be representative of the consumers of state services and should provide the State Board and Governor with an annual evaluation, from a consumer perspective, of the efficiency and effectiveness of the state's activities in providing special education services.

Therefore, it is the staff's recommendation that new legislation be developed which removes from its voting membership, representatives of state agencies; provides for more consumer respresentation; establishes clearly its advisory role; establishes its responsibility for evaluation; provides for an executive director; and provides sufficient funds for it to conduct meetings and engage in activities consistent with its evaluative and advisory responsibilities.

Explanation: The preliminary report recommended that the mandate for advisory boards and councils be eliminated. Public comment, however, was convincing in arguing the need for an independent and representative body which provides advice to the public, state agencies, the General Assembly, and the Governor. Currently, however, the Advisory Council is neither independent nor representative of consumers. Several state agencies have voting privileges. The State Board of Education is required to designate an employee to act as executive secretary and to furnish all professional and clerical activities. The staff recommendations increase the independence of this important advisory body and clarify its specific duties.

12. CLASS SIZE. The proper educational milieu--including the specific size of special education classes--is best determined by those who are most familiar with the uniqueness of each child, each teacher, and each school. Therefore, the class size requirements in their current arbitrary form are not appropriate. On the other hand, the State does have a compelling interest in ensuring an appropriate learning environment.

In general, it is recognized that class size for handicapped children must be smaller than that for nonhandicapped children. Further, class size should not be a barrier to the child developing to the maximum of his or her capacity.

Therefore, it is recommended that class size requirements be eliminated from the rules and regulations. School district officials are charged with the responsibility of making the appropriate decision and documenting that their decision is in the best interests of the child. Such documentation should be in the IEP so that all parties are aware of the factors.

Explanation: The preliminary recommendation was to eliminate class size regulations since they were arbitrary and based on unacceptable assumptions. Not all states have class size regulations; those that do all have different requirements. Recommendations concerning the process of making decisions about appropriate class size should be placed in a "best practices" handbook for district use. (See staff paper on "Class Size for the Handicapped.") Public comment called for both more flexibility in class size regulations and concern that such flexibility might be damaging to a child's educational program. The above recommendation addresses both those concerns. Seventy-five percent of the deviation requests made to this agency were for class size. Removing this requirement will also reduce paperwork.

13. AGE RANGE GROUPINGS. There is a lack of evidence to support the age range grouping mandate and it is inappropriate in its current format. However, again, given the State's concern for ensuring the adequacy of the learning environment, alternative procedural safeguards must be developed.

Therefore, the requirements specifying age range should be eliminated from the rules and regulations. The school district officials are charged with the responsibility of making the appropriate decision and documenting that their decision is in the best interests of the child, such documentation to be included in the IEP.

Explanation: The preliminary report recommended that this requirement be removed from the rules and regulations. The courts have been silent on this issue. There are no federal regulations on this issue. In Illinois, there have been no due process hearings on this issue. Deviation requests are based on several criteria for the placement of a handicapped child within classes. These criteria include such factors as physical size, motor ability, social and emotional adjustment. Removal of this arbitrary regulation is recommended. It is reasonable to assume that appropriate age range groupings will be maintained in the absence of a mandate. Recommendations concerning the process of making decisions about appropriate age range within classes should be placed in a "best practices" handbook for district use.

14. PERSONNEL. The interest of the State in the appropriate education of handicapped children extends to include a guarantee, to the extent possible, of the qualifications of the personnel who serve them. This guarantee is met by the requirement that special education personnel meet certain minimal training standards which are affirmed through a certificate. Since this is essential to the provision of special education, a mandate for qualified personnel is necessary and must be retained. However, the mandate for personnel qualifications can and should provide more flexibility.

Specifically, the statute and regulations should be modified as follows:

-- Allow bachelor's level personnel to be employed in Illinois school districts as speech clinicians under the supervision of a master's level speech/language therapist;

-- encourage cooperative arrangements between districts and other organizations to enhance the use of related service personnel;

-- reduce supervisory requirements by not requiring a supervisor certified in each category of special education.

Explanation: Public comment did not warrant modification of this recommendation. The changes as underscored above were suggested as strategies in the preliminary report. Currently, supervisors in each special education category are required but not warranted.

15. CHILD FIND. The desirable outcome of child-find activities is the earliest possible identification of all children eligible for special education. Since the State's interest in identifying these children is compelling, the child-find mandate is necessary and should be retained in its present form.

Further, the efforts for child find should be increased at the local level, particularly at the 3-4 age level. Staff should be directed to encourage such local efforts

Explanation: Current data suggest that 3 and 4 year old children are not being identified as handicapped and served by special education to the extent expected. While special education child count data indicate 6.96% of the population aged 3 to 21 years are identified as handicapped and served by special education, among 3 and 4 year old children, only 2.5% are identified as handicapped and receiving special education services. While it is possible that 6.96% represents too great a proportion, given imprecise eligibility requirements, increased child-find efforts, particularly focused upon 3 and 4 year old children, are still needed.

Parents may need to be reminded that school services for handicapped children begin at age 3. There is indication that some parents do not permit their 3 year old handicapped child to receive special education services; they hope that their child will "grow out" of his or her need for such services. Parents and school officials have the obligation to consider the child's welfare to be of paramount importance.

16. DIAGNOSIS AND EVALUATION. The diagnostic and evaluation process is clearly a compelling interest for the State. However, this concept should be implemented differently, and more simply, while still ensuring that:

(1) the evaluation is appropriate to the nature of the problems leading to referral and provides sufficient information to understand those problems and develop an adequate IEP; and

(2) once the child has been placed, periodic reviews of the child's progress occur.

Therefore, it is recommended that the regulations and statutes pertaining to diagnosis and evaluation, including the multidisciplinary conference, be maintained but significantly clarified and simplified as indicated above.

Further, while parental permission should be required prior to evaluation, refusal to give permission should not prohibit district evaluation when it is in the child's best interest as determined by due process proceedings reflected in the administrative and possible judicial review.

Explanation: Public comment indicated that there was general agreement that the mandate for the diagnostic and evaluation process could be implemented differently to simplify the process. The additional recommendation, as underscored above, is to provide the district with a basis for proceeding, in the absence of parental approval, with evaluation when it is in the best interest of the child as determined by due process procedures.

Currently, the parent's refusal to allow evaluation is sufficient to arrest the process of determining appropriate educational services for a child. This decision by the parent may be contested at the local level, but there is currently no authority to permit a state level ruling. This change would allow such a ruling, if appropriate. Such a change is consistent with the belief that the interest of the child is of paramount importance. It also recognizes the need for impartial hearings at all levels. The burden of proof remains on the district to demonstrate that evaluation is necessary for proper provision of service. The recommendation provides the parent with the option of pursuing a judicial review. Last, in the interest of the child, all decisions concerning appropriate educational services should be contestable by either parents or districts.

17. NONDISCRIMINATORY ASSESSMENT. Nondiscriminatory assessment is a principle governing the identification and evaluation of a potentially handicapped child. It requires that the diagnosis of a handicap be neutral with respect to attributes of the child unrelated to the handicap, such as the child's language and communication patterns, cultural background, or sex. Identification and evaluation must only be based on the results of objective and valid diagnostic devices.

Factors other than race (e.g., family income or socio-economic status) may be associated with statistical disparities and subsequent placement of children in special education, but the evidence supports the need for this mandate to be retained and state monitoring for compliance strengthened. The compliance procedure should definitely address the procedures and instruments used in assessments as well as the inclusion of sex as an identifying variable on counts of children.

Explanation: No change in the preliminary recommendation was warranted.

18. INDIVIDUALIZED EDUCATION PLAN. While it is clear that some written plan for the education to be provided for handicapped children is necessary, it does not follow that the IEP as currently described is the most effective means of providing the necessary assurances. A more reasonable approach would require that a written document be prepared that states clearly the services to be provided, the reasons for those services, the process by which the effectiveness of the total program will be terminated, if

termination is a reasonable expectation, and the learner outcomes to be achieved within an appropriate period of time. Also, the IEP should require the fewest number of participants needed for its development and timelines should be changed regarding the development of initial learner outcome statements to be achieved. These initial outcomes should instead be based on appropriate testing and diagnosis to determine status of child's skills, knowledge, etc.

Therefore, the requirements for an IEP should be modified as identified above and as consistent with regulatory principles identified earlier.

Explanation: There were many public comments made about the IEP. None disputed its overall usefulness, but many argued for simplification of the current mandate. The above recommendation simplifies the process and reinforces the instructional relationship.

19. PLACEMENT. Since there can be no provision of special education without placement, it is in the State's interest to mandate a placement process. The placement mandate is an integral part of the system and important enough to be maintained, but not in its present form. Revised, streamlined regulations concerning placement should be consistent with the regulatory principles identified above and the modifications identified for the IEP.

Explanation: The above changes clarify how the mandate should be modified.

20. PARENTAL PARTICIPATION. Parental participation is a practice under which decisions regarding the evaluation and determination of an appropriate education for a child are reached through a process involving active participation of parents. However, the term "surrogate parent" used in current rules and regulations does not have a basis in Illinois statutes and should be replaced with a carefully drafted definition of the statutory terms "parent", "guardian", and "advocate".

Therefore, the statute and regulations should be changed to appropriately define "parent," "guardian," and "advocate."

Explanation: The changes recommended would reduce ambiguities related to parental participation.

21. DUE PROCESS. An administrative remedy for the resolution of disputes is both necessary and desirable; it supports the notion of fundamental fairness and provides a means for regulating the State's interest in the education of handicapped children. However, the due process system currently in place should be replaced by a procedure with the following characteristics:

(1) accessible to all students and/or parents, with the interest of the child having paramount importance;

(2) accessible to school districts where parents are currently given refusal rights (e.g., refusal to consent to an evaluation);

(3) provide stages which are less formal and closer to the level of service;

(4) makes use of nonadversarial resources, such as the special education compliance review staff of the State Board of Education; for complaints or mediation;

(5) specifies the grounds for seeking resolution at each stage in the process;

(6) encourages the fewest number of participants at a local level hearing; and

(7) limits and specifies the reasons for which a hearing may be requested.

Explanation: The preliminary report recommended a due process procedure which would reduce the adversarial aspect associated with the procedure. Public comment supported some modifications, particularly the mediation role now provided by the state agency staff. The following table shows that the mediation role was effective in 1982 and that the number of state appeals has declined dramatically in the last several years:

Due Process Continuum

	1979	1980	1981	1982
Local Hearings	252	333	277	243
State Appeals	118	132	143	47*
Complaints	209	292	445	253**
Mediation	--	--	--	60

* Information as of September 1982
** Information as of November 1982

An analysis of the mediation process indicates that 85% of the complaints were resolved at that level. If longitudinal data show similar findings, consideration should be given to taking action necessary to make the process mandatory.

The three changes made in the above recommendation further modify the adversarial aspects of the due process procedure and were recommended in public comment.

E. Pursuant to the revised statutes and rules and regulations, the State Board of Education should direct the State Superintendent to prepare and submit a time-specific monitoring and supervision plan for all special education services.

Explanation: A supervision and monitoring plan is a necessary regulatory component. The above changes are clarifications of the preliminary recommendations.

F. Since several State agencies are responsible for providing special education and related services, the State Board of Education should request the assistance of the Governor and the Illinois General Assembly in the development of a system for specifying the human and fiscal roles and responsibilities of the various State agencies and for resolving interagency conflicts regarding these responsibilities.

Such a system would need to assure that handicapped persons have available free, appropriate instructional and supportive services required to meet individual needs regardless of provider. As economic resources decline, interagency cooperation becomes more essential, in special education as well as other areas of human services.

Therefore, the State Board of Education should direct the State Superintendent to seek the cooperation and participation of the Governor and General Assembly in developing a system for interagency cooperation which guarantees a full spectrum of human services.

Explanation: There has been considerable support for this recommendation. The additional phrase underscored above further clarifies the intent.

G. The State Board of Education should direct the State Superintendent to evaluate and prioritize the following proposed research and development agenda contained in this report and obtain assistance and collaboration of the State special education research community in fulfilling that agenda, as appropriate.

1. The effect of the IEP on educational programs for children, and the relationship of the IEP to academic achievement should be studied. The possibility of linking the IEP to specific services which constitute critical monitoring factors should be studied. Further, the IEP as a potential primary source for reimbursement needs study. Last, the continuation of combining contemporary computer technology with the IEP to create efficient and effective development, monitoring, and reimbursing functions at the local and state level should be evaluated.

2. Research-based procedures for determining how a related service can be demonstrably or directly related to instruction are needed. Further, there is a need to determine what roles program assistants serve, since they account for the largest increase in related services.

3. Evidence is lacking on the benefits accruing to children who remain in special education programs past age 19 or after the age of 21. Also, the continued feasibility of lowering the age range should be studied.

SUMMARY OF FINAL RECOMMENDATIONS

This section presents the final staff recommendations from each State Board of Education mandate study, and the General Recommendations which include the Definition of Schooling. In the first section (Immediate Action) are those recommendations for each study which, upon adoption by the Board, will produce immediate legislative proposals or administrative action. In the second section (Adoption for Future Enactment) are those which, upon Board adoption, will produce immediate staff activities leading to future Board action.

Please note: Each recommendation which requires passage of legislation for enactment is identified with an asterisk(*).

Instructional Program Mandates

Immediate Action

Direct the State Superintendent to develop and recommend to the Board clearly-stated, broadly-defined, and relatively timeless statements of what students must at least know and be able to do as a consequence of their schooling.

a. The statements should be developed with the assistance of a representative ad hoc task force.

b. Consistent with the proposed working definition of schooling, the statements should be developed for the following areas of learning:

   (1) Language Arts

   (2) Mathematics

   (3) Sciences

   (4) Social Sciences (history, government, geography, economics)

   (5) The Fine Arts

   (6) Physical Development and Health

Physical Education

Immediate Action

* Revise the present physical education mandate to reflect the following:
  - that physical education be required for all students in grades K-10;
  - that districts be required to offer elective physical education programs at grades 11-12;
  - that the allocation of course time and frequency of the course be determined locally but in keeping with the current statutory language "...compatible with the optimum growth and development needs of individuals at the various age levels" (Code 27-6).

Driver Education

Immediate Action

* Repeal the State requirement for classroom and Behind-the-Wheel training in the public secondary school curriculum.
* Amend the early licensing provisions of the statutes to provide that such licensing shall be available to those who are at least 16 years old and who have demonstrated such knowledge and skills as the Secretary of State may deem necessary.
* Amend the statutory provision concerning personnel certification requirements to provide alternative professional training programs for registration of those who wish to provide driver education instruction in a public or private setting.
* Amend the statutes to authorize eligible school districts to provide a comprehensive driver education program directly or indirectly through contract, which contract may include provision of public facilities; and to offer the program in these circumstances during any period of the year and to all beginning drivers.
* Amend the statutes to provide that the Secretary of State shall have the sole responsibility of licensing and supervision as it relates to all commercial driver training schools.

Bilingual Education

Immediate Action

Revise the current statutes to reflect the following:

* All students with limited abilities in the English language shall be provided appropriate educational experiences/services directed to providing for an effective and efficient transition to proficient use of the English language.

* Locally determined, educational service delivery approaches shall be allowed which are consistent with the goal of achieving early and effective transition to the regular school curriculum. Based on individual student language assessments the local district shall provide content area instruction in the native language to the extent needed to insure that each student can benefit from the instruction and progress effectively through the school system.

* Eliminate the requirement that history and culture be taught, but include the desirability of such content in a language transition program.

* Exclude any reference to specific methodology of instruction.

* Provide for local flexibility in assuring participation of parents and community organizations.

Special Education

Immediate Action

The State Board of Education should adopt the following four principles to guide and direct its regulatory activity in relation to the education of handicapped children:

-- State regulatory activity should recognize, first, that the interest of the child is of paramount importance, second, the desire of local boards, parents, and professionals to make just and sound decisions about education for children, third, that the State has a legitimate interest in protecting children from either intentional or unintentional abridgment of that decisionmaking process.

-- Regulations should address the quality and character of the process by which decisions are made rather than prescribing the character of the decisions.

-- These process regulations should be limited to certain fundamental concepts such as nondiscriminatory actions, participants, student potential, and a remedy for disputes.

-- Whenever possible, the entity responsible for making decisions should be directed to develop its own procedures incorporating the

State's fundamental concerns, as stated above. Once the State has approved the respective procedures, the State should accept the decisions resulting from that process, and should review them only when irresolvable disputes arise at the local level.

The State Board of Education should advise the U.S. Congress and the Illinois General Assembly as to its study of special education mandates and subsequent revision of its rules and regulations in accordance with its study and statement of regulatory principles, and should advise those bodies as to the impact that any proposed changes in statute or rules and regulations would have on local districts or the state education agency.

Further, the State Board of Education should direct its staff to take initiative and exercise leadership to change federal statute and rules and regulations in accordance with the State Board of Education's policy and regulatory principles concerning handicapped children. Where significant discrepancies exist in federal mandates and state policy, staff will provide to the State Board of Education documentation of attempts to influence changes in federal mandates.

* Since several State agencies are responsible for providing special education and related services, the State Board of Education should request the assistance of the Governor and the Illinois General Assembly in the development of a system for specifying the human and fiscal roles and responsibilities of the various State agencies and for resolving interagency conflicts regarding these responsibilities.

  Such a system would need to assure that handicapped persons have available free, appropriate instructional and supportive services required to meet individual needs regardless of provider. As economic resources decline, interagency cooperation becomes more essential, in special education as well as other areas of human services.

  Therefore, the State Board of Education should direct the State Superintendent to seek the cooperation and participation of the Governor and General Assembly in developing a system for interagency cooperation which guarantees a full spectrum of human services.

Instructional Program Mandates

Adoption for Future Enactment

Pursuant to action on the State Superintendent's recommended outcome statements and not later than January 1, 1985, seek legislation which would do the following:

a. Replace existing instructional program mandates with the recommended outcome statements;

b. Require that local school districts:

(1) Develop specific objectives consistent with the statutory outcome statements; policies, procedures and instructional programs designed to achieve these objectives; and a comprehensive assessment system which will determine the extent to which students are achieving the desired outcomes.

(2) Submit the objectives, instructional program description, and assessment system to the State Board of Education for approval as consistent with the statutory outcome statements and with accepted educational and assessment practices.

(3) Report periodically to the State Board of Education regarding the results of the local assessment and the ways in which the district is using these results to modify the instructional program and otherwise improve student learning.

c. Require that the State Board of Education provide assistance and technical support to local school districts as they develop the required objectives, instructional programs and assessment systems.

Pursuant to the adoption of this legislation and consistent with its statutory authority to establish standards for the curriculum, direct that the State Superintendent develop regulations which would identify the instructional areas to be made available to all students who need and desire to take them in order to develop educationally to the limits of their capacities.

Physical Education Mandate

Adoption for Future Enactment

That the State's interest in students attaining and maintaining physical fitness be addressed through the recommendations made in the Instructional Program mandates study.

Driver Education Mandate

Adoption for Future Enactment

That the State Board of Education request that the Governor establish an interagency commission charged to investigate the relative costs and effects of traffic safety measures proven to reduce traffic accidents; to recommend allocations of State funds among such programs and to report by a date certain. Any local district that chooses to continue offering Driver Education shall in the interim continue to receive appropriate State funding.

Bilingual Education Mandate

Adoption for Future Enactment

Based upon implementation of the above recommendations, the State Board of Education should direct the State Superintendent to submit a time specific plan to revise the current rules and regulations governing bilingual education.

The State Board of Education should instruct the Superintendent to direct staff to conduct further studies on:

a) The possible value of extending language training to the eligible early childhood population.

b) The ramifications of the current system which permits parents to unilaterally withdraw their children from bilingual programs.

c) The various approaches used in delivery of services to children with limited abilities in the English language.

Special Education Mandates

Adoption for Future Enactment

The State Board of Education should reaffirm its commitment to the general goals of special education and to the provision of a free appropriate education for all handicapped children in Illinois. However, its policy statement on special education, adopted February 1978, should be modified. The following components should be included in a new policy statement on special education.

-- A right-to-education policy for all children, ages 3-21;

-- Instruction provided at no cost to parents when children are placed by the local or state education agency, except where usual or normal fees are applicable to all school children;

-- Guarantee of procedural safeguard, due process, and nondiscriminatory assessment;

-- Individual education plans, with learner outcomes specified in terms of the student's potential, for each handicapped student;

-- A comprehensive, efficient, and flexible personnel system;

-- An intensive and continuing search for handicapped children in Illinois;

-- Treatment of handicapped children to be the same as that accorded to non-handicapped children to the extent possible and reasonable;

-- State education agency supervision of all education programs for handicapped children within Illinois; and,

-- Rights and guarantees applied to children in private or other state-funded schools, as well as public schools.

* The State Board of Education should direct the State Superintendent to submit a time-specific plan to revise the current statute and rules and regulations governing special education as identified below. The revisions should allow opportunities for district innovation and experimentation.

1. AGES SERVED. The State's compelling interest in education requires establishment of mandatory school attendance between specified ages in order to provide an appropriate education. Since efficiency is also a principle which reflects a State interest, providing education beyond the normal range may be viewed as yielding greater efficiency over time.

However, until such time that the benefits of lowering the required age range from 3 to 1 year, or to the point of first identification, are unequivocally established, the ages served should remain as 3-21. Both the lower and upper age ranges by specific handicapping condition should be subjected to efficacy studies.

2. CATEGORIES. There appear to be many problems with classification of children as a means for determining who should be served in special education. Some categories are not sufficiently precise. There is disproportionate representation of students among the categories, which suggests that the assignment of a student is related to social and cultural factors rather than educational factors.

Further, there are at least four sets of special education categories used by the State Board of Education (federal rules, Funding and Child Tracking System, Certification system, State rules and regulations.) The compelling state interest served by a categorization system is that of efficiency in administration, particularly in communication, recordkeeping, funding, and teacher certification.

However important administratively, the use of categories should not take precedence over meeting the individual needs of students. Also, the systems of categories should at least coincide. Further, the specific eligibility criteria for Educable Mentally Handicapped, Learning Disabled, Behavioral Disordered, Speech and Language Impaired, and Educational Handicapped should be reexamined and made more precise, with consideration given to eliminating the Educationally Handicapped category.

3. SUSPENSION AND EXPULSION. Mandates on these concepts were found to be appropriate. The mandate should be retained as written.

4. CONTINUUM OF PROGRAM OPTIONS. The compelling state interest in a continuum of program options is in guaranteeing equal access to special education services for all handicapped children. Therefore, this mandate should remain.

5. LEAST RESTRICTIVE ENVIRONMENT. Conflicting evidence exists about the value of this concept. The conflict seems to be related to lack of clarity about the purpose for this mandate. Therefore, it is recommended that this mandate be clarified as to the predominant criterion to be used in determining the appropriate educational environment -- that of academic achievement.

6. RELATED SERVICES. This concept represents a major extension of services traditionally provided by the public schools, and school officials report being burdened by costs related to services which are not instructional. The State lacks criteria for determining whether the myriad services are directly related to instruction. Extensive clarification is needed to determine what services should be provided by the public schools. The development of these criteria should receive the highest priority in the plan for revising the current rules and regulations.

7. SUMMER SCHOOL. Summer school for handicapped students is not a mandate, but an IEP requiring an extended school year has the effect of a mandate. There is little evidence to support or reject the need for summer school. Case law does require the provision of summer school services for the profoundly and severely handicapped pupil if the IEP so

indicates. Summer school should be limited to those handicapped students for whom a need can be documented by evidence of regression, limited recoupment ability, or future attainment of self-sufficiency. Specific instruction-oriented learner outcomes to be achieved during summer school should be included on the IEP.

8. FREE EDUCATION. While this concept represents a clearly compelling state interest, there is much confusion about what constitutes "free education." Clarification of this issue should include the following regulatory and statutory changes:

-- Narrow the current scope of related services to include only those which are directly related to instruction of handicapped pupils.

-- Define medical services in relation to school age handicapped students (i.e., what is evaluation versus what is ongoing service);

-- Delineate what fees parents may/must pay (e.g., laboratory fees, book fees, copies of records);

-- Delineate the conditions for providing services for pupils attending nonpublic schools, so that public school districts pay only for special education and related services directly related to instruction.

-- When residential services are involved, require parents/Public Aid/Mental Health to pay for room and board, as appropriate;

-- Require third party payors to pay (e.g. insurance companies);

-- Define responsibility for residency and enrollment so that the Illinois State Board of Education is financially responsible only for Illinois students.

9. DISTRICTS. The local school district must remain responsible for service to all its eligible special education students. A compelling State interest is reflected in this concept and a State statute is necessary to fix such responsibility. This mandate should remain as stated.

10. JOINT AGREEMENTS. Although joint agreements serve a valuable function in the efficient delivery of special education services, there is potential for greater effectiveness and efficiency. The following changes should be made:

-- Joint agreements shall periodically and regularly undertake an organizational self study, which includes at a minimum a review of their administrative agents, other available service delivery systems, boundaries, and other organizational and administrative issues which have implications for effectiveness and efficiency; make public the results of that study:and implement the results.

-- Joint agreements shall develop a comprehensive plan for low incidence pupils (e.g. deaf/blind, severely handicapped) in areas

larger than a single joint agreement, in order to prevent duplication of services (e.g. services for autistic students to be delivered across two joint agreements) with consideration given to providing residential services and developing regional programs.

-- Joint agreements shall contract for unique or high cost support or related services (e.g. psychiatric consultations or mobility specialist) across two or more joint agreements.

11. ADVISORY BOARDS AND COUNCILS. Public comment and advice from parties affected by the State's actions is certainly consistent with good democratic practice. The history of special education services in Illinois indicates that it is in the best interests of the State to have an independent source of advice. The primary advisory board is the State Advisory Board on the Education of the Handicapped.

The State Advisory Council on the Education of Handicapped Children performs a special and necessary function which is to advise the State of service needs and effectiveness. Accordingly, the Council should be representative of the consumers of state services and should provide the State Board and Governor with an annual evaluation, from a consumer perspective, of the efficiency and effectiveness of the state's activities in providing special education services.

Therefore, it is the staff's recommendation that new legislation be developed which removes from its voting membership, representatives of state agencies; provides for more consumer respresentation; establishes clearly its advisory role; establishes its responsibility for evaluation; provides for an executive director; and provides sufficient funds for it to conduct meetings and engage in activities consistent with its evaluative and advisory responsibilities.

12. CLASS SIZE. The proper educational milieu--including the specific size of special education classes--is best determined by those who are most familiar with the uniqueness of each child, each teacher, and each school. Therefore, the class size requirements in their current arbitrary form are not appropriate. On the other hand, the State does have a compelling interest in ensuring an appropriate learning environment.

In general, it is recognized that class size for handicapped children must be smaller than that for nonhandicapped children. Further, class size should not be a barrier to the child developing to the maximum of his or her capacity.

Therefore, it is recommended that class size requirements be eliminated from the rules and regulations. School district officials are charged with the responsibility of making the appropriate decision and documenting that their decision is in the best interests of the child. Such documentation should be in the IEP so that all parties are aware of the factors.

13. AGE RANGE GROUPINGS. There is a lack of evidence to support the age range grouping mandate and it is inappropriate in its current format. However, again, given the State's concern for ensuring the adequacy of the learning environment, alternative procedural safeguards must be developed.

Therefore, the requirements specifying age range should be eliminated from the rules and regulations. The school district officials are charged with the responsibility of making the appropriate decision and documenting that their decision is in the best interests of the child, such documentation to be included in the IEP.

14. PERSONNEL. The interest of the State in the appropriate education of handicapped children extends to include a guarantee, to the extent possible, of the qualifications of the personnel who serve them. This guarantee is met by the requirement that special education personnel meet certain minimal training standards which are affirmed through a certificate. Since this is essential to the provision of special education, a mandate for qualified personnel is necessary and must be retained. However, the mandate for personnel qualifications can and should provide more flexibility.

Specifically, the statute and regulations should be modified as follows:

-- Allow bachelor's level personnel to be employed in Illinois school districts as speech clinicians under the supervision of a master's level speech/language therapist;

-- encourage cooperative arrangements between districts and other organizations to enhance the use of related service personnel;

-- reduce supervisory requirements by not requiring a supervisor certified in each category of special education.

15. CHILD FIND. The desirable outcome of child-find activities is the earliest possible identification of all children eligible for special education. Since the State's interest in identifying these children is compelling, the child-find mandate is necessary and should be retained in its present form.

Further, the efforts for child find should be increased at the local level, particularly at the 3-4 age level. Staff should be directed to encourage such local efforts

16. DIAGNOSIS AND EVALUATION. The diagnostic and evaluation process is clearly a compelling interest for the State. However, this concept should be implemented differently, and more simply, while still ensuring that:

(1) the evaluation is appropriate to the nature of the problems leading to referral and provides sufficient information to understand those problems and develop an adequate IEP; and

(2) once the child has been placed, periodic reviews of the child's progress occur.

Therefore, it is recommended that the regulations and statutes pertaining to diagnosis and evaluation, including the multidisciplinary conference, be maintained but significantly clarified and simplified as indicated above.

Further, while parental permission should be required prior to evaluation refusal to give permission should not prohibit district evaluation when it is in the child's best interest as determined by due process proceedings reflected in the administrative review, local level hearings, and state level appeals.

17. NONDISCRIMINATORY ASSESSMENT. Nondiscriminatory assessment is a principle governing the identification and evaluation of a potentially handicapped child. It requires that the diagnosis of a handicap be neutral with respect to attributes of the child unrelated to the handicap, such as the child's language and communication patterns, cultural background, or sex. Identification and evaluation must only be based on the results of objective and valid diagnostic devices.

Factors other than race (e.g., family income or socio-economic status) may be associated with statistical disparities and subsequent placement of children in special education, but the evidence supports the need for this mandate to be retained and state monitoring for compliance strengthened. The compliance procedure should definitely address the procedures and instruments used in assessments as well as the inclusion of sex as an identifying variable on counts of children.

18. INDIVIDUALIZED EDUCATION PLAN. While it is clear that some written plan for the education to be provided for handicapped children is necessary, it does not follow that the IEP as currently described is the most effective means of providing the necessary assurances. A more reasonable approach would require that a written document be prepared that states clearly the services to be provided, the reasons for those services, the process by which the effectiveness of the total program will be terminated, if termination is a reasonable expectation, and the learner outcomes to be achieved within an appropriate period of time. Also, the IEP should require the fewest number of participants needed for its development and timelines should be changed regarding the development of initial learner outcome statements to be achieved. These initial outcomes should instead be based on appropriate testing and diagnosis to determine status of child's skills, knowledge, etc.

Therefore, the requirements for an IEP should be modified as identified above and as consistent with regulatory principles identified earlier.

19. PLACEMENT. Since there can be no provision of special education without placement, it is in the State's interest to mandate a placement process. The placement mandate is an integral part of the system and important enough to be maintained, but not in its present form. Revised, streamlined regulations concerning placement should be consistent with the regulatory principles identified above and the modifications identified for the IEP.

20. PARENTAL PARTICIPATION. Parental participation is a practice under which decisions regarding the evaluation and determination of an appropriate education for a child are reached through a process involving active participation of parents. However, the term "surrogate parent" used in current rules and regulations does not have a basis in Illinois statutes and should be replaced with a carefully drafted definition of the statutory terms "parent", "guardian", and "advocate".

Therefore, the statute and regulations should be changed to appropriately define "parent," "guardian," and "advocate."

21. DUE PROCESS. An administrative remedy for the resolution of disputes is both necessary and desirable; it supports the notion of fundamental fairness and provides a means for regulating the State's interest in the education of handicapped children. However, the due process system currently in place should be replaced by a procedure with the following characteristics:

(1) accessible to all students and/or parents, with the interest of the child having paramount importance;

(2) accessible to school districts where parents are currently given refusal rights (e.g., refusal to consent to an evaluation);

(3) provide stages which are less formal and closer to the level of service;

(4) makes use of nonadversarial resources, such as the special education compliance review staff of the State Board of Education; for complaints or mediation;

(5) specifies the grounds for seeking resolution at each stage in the process;

(6) encourages the fewest number of participants at a local level hearing; and

(7) limits and specifies the reasons for which a hearing may be requested.

Pursuant to the revised statutes and rules and regulations, the State Board of Education should direct the State Superintendent to prepare and submit a time-specific monitoring and supervision plan for all special education services.

The State Board of Education should direct the State Superintendent to evaluate and prioritize the following proposed research and development agenda contained in this report and obtain assistance and collaboration of the State special education research community in fulfilling that agenda, as appropriate.

1. The effect of the IEP on educational programs for children, and the relationship of the IEP to academic achievement should be studied. The possibility of linking the IEP to specific services which constitute critical monitoring factors should be studied. Further, the IEP as a potential primary source for reimbursement needs study. Last, the continuation of combining contemporary computer technology with the IEP to create efficient and effective development, monitoring, and reimbursing functions at the local and state level should be evaluated.

2. Research-based procedures for determining how a related service can be demonstrably or directly related to instruction are needed. Further, there is a need to determine what roles program assistants serve, since they account for the largest increase in related services.

3. Evidence is lacking on the benefits accruing to children who remain in special education programs past age 19 or after the age of 21. Also, the continued feasibility of lowering the age range should be studied.

4. Criteria are needed to help in determining whether a specific act or pattern of behavior is directly related to or caused by a handicapping condition. These criteria would assist in decisions concerning disciplinary actions.

5. No evidence exists about the accuracy, completeness, or reliability of diagnosis and evaluations. A representative study should be conducted.

6. Diagnostic testing and instrument development is in need of validation. Research is needed to determine why there is an overrepresentation of black children in EMH classes and an overrepresentation of white children in learning disabled classes.

7. A study of the appeals process in Illinois would be useful in determining the extent to which income, socio-economic status, or rural/urban/suburban factors have an effect on the use of due process by parents.

8. A longitudinal study should be conducted on a sample of special education students in order to ascertain effects of special education. Also, the extent to which students exit from special education programs needs study.

9. Well-designed studies need to be conducted on the effects of summer school and early intervention programs. These studies should be designed so as to consider handicapped students as a hetergeneous population rather than a homogeneous population.

Consistent with the revision of statutes and rules and regulations, and with the State Board of Education's previously adopted goal for "Simplifying Reporting Systems," the impact of any new data requirement should be evaluated by the State Superintendent as to the burden on school districts and state and local use of that data.

General Recommendations

Adoption for Future Enactment

Adopt the following statement as a draft working definition of schooling:

> Schooling is a formal process which has as its primary purpose the systematic transmission of knowledge and culture, whereby children learn in areas fundamental to their continuing development.
>
> These fundamental areas of learning are the language arts, mathematics, sciences, social sciences (history, government, geography and economics), the fine arts, and physical development and health.
>
> Although schools have a shared interest with other agencies and institutions in the education of children and youth, these shared responsibilities, as important as they may be, are subordinate to the primary purpose of schooling.
>
> This draft statement should be broadly disseminated for public comment prior to final action on the proposed instructional mandates (see "Instructional Program Mandates - Final Recommendations", which follows).

Initiate the development of information which would provide guidance to local district boards and communities regarding the characteristics of excellent schools. This information should be developed in cooperation with appropriate organizations and individuals, should be completed within a year of the Board's final action on these recommendations and should be widely disseminated in a form which would allow local communities to assess the characteristics of their own schools.

The Board should also initiate an examination of the feasibility of developing in Illinois a test which could be used at the option of local school districts to assess the extent to which they are meeting self-identified standards of excellence.

Endorse the following topics as priorities for further staff study:

> Early Childhood Education - While there are numerous reasons for further investigation of the potential benefits of pre-kindergarten education for handicapped and non-English speaking children, a study should include potential benefits, as well as any disadvantages, of pre-kindergarten education for all children. The study would be conducted with the intent of discerning whether any benefits of early childhood education would be sufficient to cause the state to either support or require the provision of such services.
>
> Student Categorization - The focus of this study would be to investigate the extent to which formal categorization of students serves as a barrier to student access to the full spectrum of local education programs. The categories would include vocational, gifted, and

limited-English-proficient students as well as the several categories of handicapped students. The intent of the study would be to determine ways in which schools could recognize and alleviate any barriers that may be found to exist.

A corollary intent would be to determine the extent to which categorization results in differentiated treatment of students which can not be justified on educational grounds.

State's Role in Education - The focus of this study should be to define the state's role in establishing mandates and standards of excellence to be achieved by the schools. The study should include the development of a set of regulatory and other principles which specify a philosophy of governance and its underlying assumptions, and also criteria which can be used to review the state's actions. This study would be completed in conjunction with Phase III of the overall Board study of mandates.